

UNITED STATES DISTRICT COURT
FOR DISTRICT OF MASSACHUSETTS

IN RE PETITION OF THE UNITED STATES
OF AMERICA TO PERPETUATE
TESTIMONY PURSUANT TO RULE 27

DEPOSITION OF ALBERT DUMONT

Tuesday, January 31, 2006

9:00 a.m.

Attleboro Water Department

1296 West Street

Attleboro, Massachusetts

----- Ellen Zappia, RPR -----

Capitol Court Reporting, Inc.

01-31-06 Albert Dumont.txt
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ALSO PRESENT:

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Sarah Meeks, EPA

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I N D E X

WITNESS: ALBERT DUMONT

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1 (Proceedings commenced at 9:00 a.m.)

2 MS. O'BRIEN: Michelle O'Brien,
3 Moehrke Mackie & Shea, Boston, here on behalf of
4 Albert Dumont and Attleboro Landfill, Inc.

5 MR. LAST: Michael last. I'm common
6 counsel to the Shpack Cooperative Working Group.

7 MR. LEIFER: Steve Leifer, from Baker
8 Botts in Washington, for Texas Instruments.

9 MR. WEISBERG: John Weisberg, with
10 Texas Instruments.

11 MR. OAKES: Matt Oakes, for
12 Environmental Defense.

13 MS. TAYLOR: Melissa Taylor. I'm the
14 EPA project manager for the Shpack Superfund site.

15 MS. ZUCKER: Audrey Zucker, I'm the
16 EPA Superfund attorney.

17 MS. CHANG: Deanna Chang, representing
18 EPA and Army Core of Engineers.

19 MR. SHERMAN: Richard Sherman, Edwards
20 Angell Palmer & Dodge, here for Leach & Garner.
21 MR. AGNELLO: John Agnello, Carella,
22 Byrne, Handy & Harman.
23 MR. McGAHAN: Michael McGahan, Coogan,
24 Smith, for Guyot Brothers and Larson Tool &

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1 Company.
2 MR. JEDELE: Bret Jedele, with Chase
3 Ruttenberg & Freedman, here for Teknor Apex.
4 MR. COBURN: Scott Coburn, Blank Rome,
5 here on behalf of General Cable Industry.
6 MR. KLASS: Ken Klass, Blank Rome,
7 General Cable.
8 MR. BRASK: Dave Brask, and I don't
9 know why I'm here.
10 MR. BETANCOURT: Edwin Betancourt,
11 with Anderson & Kreiger. I'm here for the City of
12 Attleboro.
13 MR. KREIGER: Art Kreiger, and same.
14 MS. MIGNONE: Karen Mignone, Pepe &

15 Hazard, for Thomas & Betts.

16 MR. MASTROCOLA: Paul Mastrocola, from
17 Burns & Levinson, Engelhard Corporation.

18 MR. STRATTON: Seth Stratton, Brown
19 Rudnick, for International Paper.

20 MR. SINGER: Leonard Singer, for L.G.
21 Balfour Trust.

22 MS. MEEKS: Sarah Meeks, with the EPA.

23 MR. KELMAN: Wes Kelman, EPA.

24 MS. LaROSE: Christine LaRose for

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1 Peter Kelly's office.

2 MR. BROADBENT: Dale Broadbent, for
3 Reliable Electro Plating.

4 ALBERT DUMONT,
5 after having been first duly sworn under oath, was
6 questioned and testified as follows:

7 EXAMINATION BY MS. CHANG:

8 Q. Thank you very much, Mr. Dumont, for
9 coming here today and tomorrow. As you know we're

10 here in regard to the Shpack Superfund site. I
11 know over the past few years you've had quite a
12 bit of -- quite a bit to do with the site. So
13 we're just here to get an idea of what the
14 operations were like when the dumps were
15 operational, and anything else that you can tell
16 us would be much appreciated.

17 I know you've been deposed a couple of
18 times before, so I'll just remind you that the
19 court reporter is taking down everything you say,
20 so if you could speak clearly, and there's also a
21 lot of people in the room, so to the extent you
22 could speak loudly so that everybody could hear,
23 that would be great.

24 If you have any questions about the

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1 questions I'm asking you, if something isn't
2 clear, let me know, I'll do my best to clarify it.
3 If you need to take a break at any time, just let
4 me know that as well. Okay?

5 I think probably the best way to start

6 out would be with a map of the site just so we get
7 our bearings straight, and you can -- we can all
8 make sure we're on the same page.

9 MS. CHANG: Can we mark this
10 Exhibit 1, please.

11 (Exhibit 1, was marked for
12 identification)

13 Q. I'm passing you Exhibit 1, which is a map
14 of the Shpack Superfund site that was taken from
15 one of the EPA studies that was -- that's been
16 done on the site.

17 Do you see the red outline there? Is
18 that -- is that the approximate boundaries of the
19 Superfund site as you know it?

20 MS. O'BRIEN: I guess I object to the
21 form asking him to describe what the delineation
22 of the Superfund site is.

23 Q. Are you able to get your bearings from
24 that map?

1 A. Yeah. I'm just looking over here, make
2 sure I got the town line. Why don't you explain
3 to me what you got here.

4 Q. Okay. Well, let me ask you, this
5 triangular portion of the site from the west side
6 of the town line --

7 A. Right.

8 Q. -- is that a piece of property that you
9 owned?

10 A. Yeah.

11 Q. And to the east of the town line in the
12 town of Norton did you own that property?

13 A. No.

14 MR. SHERMAN: Could you have the
15 witness speak up, please.

16 A. No.

17 Q. Do you know who owned that property?

18 A. That's the Superfund site.

19 Q. Okay. And was this the piece of property
20 that was owned by the Shpacks?

21 A. Right.

22 Q. Okay.

23 When did you -- if I refer to this
24 triangular piece of property that you owned as



12

1 the -- as your dump or the Attleboro dump, you'll
2 understand what I mean, right?

3 A. Right.

4 Q. And that's just your piece of property.

5 A. Right.

6 Q. And if I refer to the piece of property
7 east of the town line as the Shpack dump, you'll
8 understand that that's just this piece of
9 property, right?

10 A. Right.

11 Q. Okay. Good.

12 Let's just start out with a brief
13 chronology of when dumping started on your piece
14 of property here.

15 Do you know when -- when material
16 first started being disposed of?

17 A. July 1st, 1946.

18 Q. 1946. And who started that? Was that
19 your father who started the dump?

20 A. Well, who started it. I'm not saying who

21 started it because there's different caretakers.

22 Are you talking contractor, are you talking who

23 started it? Where do you stand here?

24 Q. Well, who owned the property at that time?

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1 A. My father owned it.

2 Q. Your father owned the property.

3 A. Right.

4 Q. And he contracted out for operation of the
5 dump?

6 MS. O'BRIEN: Objection.

7 A. There was no --

8 MS. O'BRIEN: I'm objecting to the
9 form of the question. You can still answer it if
10 you understand the way she's described it or asked
11 it.

12 MR. SINGER: May we understand that
13 when an objection is made by one party that it is
14 preserved for the benefit of all?

15 MS. CHANG: Sure.

16 MS. O'BRIEN: In fact, we should
17 probably put on the record what we're doing with
18 respect to objections. I'm assuming that
19 objections except as to form are reserved.
20 MS. CHANG: Right.
21 MR. KREIGER: As are motions to
22 strike.
23 MS. O'BRIEN: Yes. Thank you.
24 Q. Did your father operate the dump when it

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1 began in July of 1946?
2 A. How do you want this answered?
3 Q. Truthfully. Well, was he on the -- on the
4 property when the material came in?
5 A. No.
6 Q. Did he employ people to work at the dump?
7 A. He hired nobody. People that worked --
8 worked but there was no agreement. No -- there's
9 no contract.
10 Q. Okay. But people did work at the dump?
11 A. Right.

12 Q. And this is from 1946?

13 A. Right.

14 Q. Do you recall the names of any of the
15 people who worked at the dump during that time
16 period?

17 A. Some of them I never knew their name.

18 Q. Do you remember the names of any of them?

19 A. Maybe the second one, Elmer Fitten
20 (phonetic). Some of the others I don't remember.

21 Q. And did you work at the dump during that
22 time period?

23 MS. O'BRIEN: Would you clarify what
24 you mean by "that time period."

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1 Q. From 1946 when your father owned the
2 property.

3 MS. O'BRIEN: To what? Are you asking
4 whether he worked there in 1946?

5 MS. CHANG: In 1946.

6 A. Only for two months.

7 Q. For two months. And then what happened?

8 A. I went to school.

9 Q. When did your father stop -- well, your
10 father passed away in the landfill, is that
11 correct?

12 A. No. In the burning dump.

13 Q. I'm sorry. In the burning dump. Okay.

14 And when was that?

15 A. 1954.

16 Q. And from 19 -- where were you in 1954?

17 A. In the service.

18 Q. You were in the service. And when did you
19 get back from the service?

20 A. 1955.

21 Q. Is that when you took over the burning
22 dump?

23 A. No.

24 Q. When did you take over the burning dump?

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1 A. A year later.

2 Q. 1956?

3 A. (No verbal response.)

4 Q. From 1954 until you took over the burning
5 dump in '56, who was running the dump?

6 A. My aunt. She was a nun.

7 Q. She was a nun?

8 A. Yeah.

9 Q. From 1946 until 1954, do you know what
10 types of waste were accepted at the burning dump?

11 A. Just rubbers came in. That's all I know.
12 I worked on the farm. So I saw trucks go by. I
13 have no idea what they did.

14 Q. Do you recall any -- any particular trucks
15 that went by? Any company trucks?

16 A. Just all the regular trucks that went by
17 all their life.

18 Q. Well, who would the regular trucks be?

19 A. Well, they had Metals & Controls went by a
20 few times a day. Metals & Controls, Spencer
21 Thermostat.

22 Q. Any other trucks that you can remember
23 during the 1946 to '54 time frame?

24 A. I saw D.E. Makepeace.



17

1 Q. Do you recall how often they would go by?

2 A. I don't know. Saw them once in a while.

3 I don't know. I was working on the farm so I
4 don't have -- didn't pay much attention who was
5 going by.

6 Q. Where was the farm located?

7 A. The whole area.

8 Q. The whole area with the exception of the
9 burning dump?

10 A. Yeah.

11 Q. Anybody else you recall seeing going to
12 the burning dump in the '46 to '54 time frame?

13 A. L.W. Fontaine.

14 Q. Do you recall how frequently L.W. Fontaine
15 would go to the dump?

16 A. Well, the only reason why I know that he
17 was there is because he parked his truck at the
18 farmhouse and he was shacking up with the lady in
19 the house.

20 Q. Did he visit her frequently?

21 A. Every load he stopped in for an hour or

22 two.

23 Q. Would he bring a load every day?

24 A. Oh, yeah. I'd see him parked out there

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1 often.

2 Q. Do you know where he brought his loads in
3 from?

4 A. I have no idea.

5 Q. Besides Metals & Controls, Spencer
6 Thermostat, D.E. Makepeace and L.W. Fontaine, do
7 you recall any other trucks who were coming to the
8 burning dump from '46 to '54?

9 A. Well, you have people that are dead now.
10 You had Faulk Rubbish Disposal. These are all
11 people that died years ago.

12 Q. I'm sorry, what was the name, Falk?

13 A. Falk. Yeah.

14 Q. F-A-L-K?

15 A. K or K-E. Whatever.

16 Q. Anybody else?

17 A. Tetreault Trucking.

18 Q. Do you recall any other companies bringing
19 their waste to the burning dump?

20 A. Well, see, there's a lot of -- a lot of
21 pickup trucks that went by because, you know, all
22 the companies brought their own rubbish. So there
23 was a number of pickup trucks going by.

24 Q. Do you recall any particular companies'

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1 pickup trucks that you would see going to the
2 burning dump?

3 A. Yeah, but I can't remember the name that
4 they used to have before they changed their name.

5 Q. Do you know what they changed their name
6 to?

7 A. Buxton Box. They had a different name
8 before then. They were bought out by somebody
9 else.

10 Q. Any other trucks you recall? I know it
11 was a long time ago so.

12 A. That's about it, I guess.

13 Q. Now, do you know what types of wastes were

14 accepted at the burning dump from '46 to '54?

15 A. No.

16 Q. Do you know --

17 A. Only the two months I worked there and --

18 we didn't even burn. Just dumping off the edge of

19 the road then, you know, somewhere along the way

20 six months later the whole place went up in

21 flames.

22 Q. Accidentally?

23 A. No, no. It was just starting off you had

24 no room. It was right on the edge of the road.

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1 Q. Do you know if wastes and drums were

2 accepted from '46 to '54?

3 A. I don't remember.

4 Q. You don't recall seeing any drums on the

5 property during that time frame?

6 A. There probably was. I don't remember.

7 Q. Do you recall seeing anyone dumping

8 liquids at the burning dump during that time

9 frame?

10 A. No.

11 Q. Do you remember seeing waste from any
12 particular companies at the burning dump during
13 that time frame?

14 A. No. Just the ones that.

15 Q. That we already talked about.

16 A. Yeah. Right.

17 Q. So do you know when operations at the
18 Shpack dump started?

19 A. Had to be maybe in -- had to be '49 to '50
20 maybe. I don't know.

21 Q. Do you know what type of wastes Mr. Shpack
22 took on his piece of property?

23 A. Oh, he took all the good customers.

24 Q. All the good customers?

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1 A. Right.

2 Q. What made a customer a good customer?

3 A. There was a lot of copper, brass and stuff

4 like that.

5 Q. And prior to Mr. Shpack starting his dump,
6 were these customers coming to the burning -- your
7 burning dump?

8 A. Right.

9 Q. Do you recall which customers went over to
10 Mr. Shpack after he opened?

11 A. See, I think by that time it became -- by
12 that time I think it became Engelhard Industries.
13 Makepeace changed their area. It had to be
14 somewhere during that period of time.

15 Q. And they started dumping at Shpack then?

16 A. They did.

17 Q. Were they one --

18 A. Metals & Controls, Spencer Thermostat.
19 L.W. Fontaine. Now, that's not reference until I
20 took over the dump.

21 Q. I'm sorry?

22 A. What you're writing down is not -- I
23 didn't see these people during that period of time
24 because I wasn't around.

1 Q. Okay.

2 A. I only recognize them going by after '56.

3 Q. After '56.

4 A. Right.

5 Q. Anybody else that you recall seeing at the
6 Shpack dump?

7 A. Yeah. A number of them, but I just don't
8 remember offhand.

9 Q. Do you recall any individuals who you
10 would see at the Shpack dump on a regular basis?

11 A. No individual walked into that property.

12 Q. Any individuals driving in that you
13 recall?

14 A. It was only companies that dumped.

15 Q. Do you recall the names of any of the
16 truck drivers for the companies?

17 A. See you're talking -- you're talking
18 ancient times here. You want them dead or alive?

19 Q. Either.

20 A. There's none alive.

21 Q. How about dead?

22 A. See, you're talking after -- you're
23 talking before '54. I would recognize them in

24 '56, but not in '54. You're talking in '54.

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1 Q. Okay. Well, let's go to 1956 then. Who
2 do you recall going to the Shpack dump after 1956?

3 A. Freddy Fontaine worked for Metals &
4 Controls. Two guys. The other guy was George. I
5 don't know the last name. There was a number of
6 trucks. I just can't pick them off right now.

7 Q. Was -- were there any companies that you
8 recall other than the ones we've already
9 mentioned, who had a lot of copper and brass in
10 their waste?

11 A. You mean that originally dumped way back
12 in '46?

13 MS. O'BRIEN: Are you asking back in
14 the 1956 time frame?

15 Q. In general. '46, '56. Anywhere in there.

16 A. '46. '58. We had Swank's dumping over
17 there but --

18 MR. SHERMAN: Could you read the

19 answer back. We can't hear it.

20 A. Other than just scrap iron or something
21 like that, there wasn't much of anything that came
22 from Swank's. Mostly polish and dust.

23 Q. And what time frame was that?

24 A. '46.

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1 Q. '46? And they went over to Shpack when he
2 started -- when he opened his dump?

3 A. Right. Yeah.

4 Q. After Shpack opened his dump, who were the
5 remaining customers at the -- at your dump?

6 A. They're mostly all just small jewelry
7 factories, which there was plenty of them, but
8 they all brought their own rubbish.

9 Q. Do you recall the names of any of those
10 jewelry companies?

11 A. Well, there's a big list of them.

12 Q. We'll get to that shortly.

13 And you took over the burning dump in
14 1956, correct?

15 A. Right.

16 Q. And how long did you operate it as a
17 burning dump?

18 A. '65.

19 Q. Until '65? Do you recall what months in
20 1965?

21 A. No.

22 Q. After 1965 what happened -- what did you
23 do with the burning dump property?

24 A. It came to a stop.

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1 Q. And there is no more dumping there?

2 A. All the trash went to the center of town.

3 Q. All new trash.

4 A. All what?

5 Q. All the new trash went to the -- went to a
6 new dump in the center of town?

7 A. Right.

8 Q. And was there ever a gate around your
9 area, around the burning dump?

10 A. There was a fence my father put up, but
11 that all got destroyed in the fire about, I don't
12 know, four or five months later.

13 Q. So there was a fence for just four or five
14 months?

15 A. More or less.

16 Q. And did the fence go around the entire
17 burning dump area?

18 A. No. Just went along the street.

19 Q. Was there a fence around Mr. Shpack's
20 dump?

21 A. Well, he had stuff to block it off and he
22 had a cable across. He restricted his hours seven
23 to three or seven to four.

24 Q. And did he accept wastes seven days a

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1 week?

2 A. No.

3 Q. And were the hours at the -- at your
4 burning dump, were they ever restricted?

5 A. 24 hours a day, seven days a week.

6 Q. And there was no gate or anything.

7 A. No nothing.

8 Q. At any point from '46 until the burning
9 dump stopped operating in 1965, was there ever a
10 change in where trucks entered the burning dump?

11 A. There was no more burning after '65.

12 Q. Right.

13 A. On -- on the city dump.

14 Q. Okay. From '46 until '65 then where did
15 trucks enter the dump, the burning dump?

16 A. The Shpack dump or the city dump?

17 Q. The city dump. Your parcel. Where did
18 they enter?

19 A. They entered right along the road.

20 Q. On Peckham Street?

21 A. Yes.

22 Q. Can you -- on the Attleboro side?

23 A. Yes.

24 Q. Can you show me approximately where on

1 this map they would've entered?

2 A. Somewhere over here.

3 Q. Can I have you mark that on the map for
4 me. And that was through the whole '46 to '65
5 time frame?

6 A. '46 to '65. Right.

7 Q. Do you know where trucks entered to go to
8 the Shpack dump?

9 A. Yeah.

10 Q. Can you locate that on the map for me?

11 A. Right at the town line.

12 Q. And do you know if that entrance ever
13 changed while Shpack was accepting waste?

14 A. No.

15 Q. And there were no other entrances to
16 either dump?

17 A. No.

18 Q. Was there any way separating or anything
19 separating the burning dump from Shpack's dump?

20 A. No.

21 Q. Do you recall if wastes from his dump ever
22 ended up on your side of the property?

23 A. Yes.

24 Q. Do you know how that happened?



1 A. Well, the city bulldozer would bulldoze
2 over here and then the old man would pay him under
3 the table and he'd go over here and push over
4 there.

5 Q. He would push from his property -- the
6 bulldozer would push from Shpack's property over
7 onto yours?

8 A. Right.

9 Q. What time frame was that in, do you know?

10 A. Probably '50 to '60 something. Whatever.

11 Q. And how did you know that the bulldozer
12 operator was doing that?

13 A. Well, I'm salvaging -- he would clean up
14 my dump and then he would go over there, but I was
15 always salvaging while he was doing his work.

16 Q. So you would see the bulldozer operator
17 actually pushing waste from Shpack's property onto
18 yours.

19 A. Right.

20 Q. Did you tell him to stop it?

21 A. No.

22 Q. Do you remember who the bulldozer operator
23 was?

24 A. They're all dead now.

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1 Q. Do you know, were they employed by the
2 City of Attleboro?

3 A. Yes.

4 Q. All of them?

5 A. Yeah.

6 Q. Do you recall whether Mr. Shpack accepted
7 any drummed waste?

8 A. I would see stuff going in, but I didn't
9 pay that much attention. I was too busy trying to
10 make a living.

11 Q. Do you specifically recall seeing drummed
12 waste going into Shpack's property?

13 A. Well, you know, years back all the rubbish
14 was coming in in drums. So if you saw them on the
15 truck, a lot of drums, they emptied them out.

01-31-06 Albert Dumont.txt
16 MS. CHANG: Can we mark this
17 Exhibit 2, please.
18 (Exhibit 2, was marked for
19 identification)
20 Q. I'm handing you Exhibit 2. Have you seen
21 this document before, it's entitled "Response of
22 Albert Dumont to Request For Information Pursuant
23 to Section 104(e) of CERCLA"? Does that look
24 familiar?

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1 A. Yeah.
2 Q. Is this --
3 MS. O'BRIEN: Can you just give us a
4 moment to take a peek?
5 (Pause.)
6 Q. Do you recall this document?
7 A. Yeah.
8 Q. Is that your signature at the -- it's on
9 the 6th page.
10 MS. O'BRIEN: She asked if that's your
11 signature on that page.

12 THE WITNESS: Yes.

13 Q. A few pages back is a list of individuals
14 and entities that brought waste to the site. It's
15 what you were just looking at. Right. There you
16 go.

17 Did you prepare this list?

18 A. Yes. Yes.

19 Q. How did you come up with the names on this
20 list?

21 A. Well, 18 years ago -- 15 years ago Tony
22 Moehrke told me that --

23 MS. O'BRIEN: Hang on one second. I
24 don't want you telling her what your lawyer told

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1 you 18 years ago. That's privileged communication
2 between you and our firm. You and Tony.

3 Q. Let me ask you this: Did you have any
4 written records that identified these companies?

5 A. No.

6 Q. Did you come up with the names of these

7 companies just from your memory?

8 MS. O'BRIEN: Can you answer just yes
9 or no to that question? Without disclosing any
10 privileged information?

11 Q. Do you need a minute?

12 MS. O'BRIEN: Do you want to take a
13 minute to tell me what you're thinking, then we
14 come back on the record?

15 THE WITNESS: I think you should.

16 MS. O'BRIEN: Okay. Can we do that?

17 MS. CHANG: Let's take five.

18 (A recess was taken.)

19 Q. So I think where we left off was whether
20 you came up with this list from your memory, this
21 list in Exhibit 2 of individuals and entities that
22 brought waste to the site.

23 A. I salvaged every cardboard box and every
24 piece of paper that come into the dump because all

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1 the good loads were all going next door. So
2 that -- anyway, I was advised to come up with a

3 list of everybody that dumped into the dump and
4 that was 15 years ago. So I kept on working on it
5 and I had took a 1965 telephone book in order to
6 revise my memory, and went through it a number of
7 times and figured out all the different people
8 that dumped into the dump and that's how we stand
9 right now.

10 Q. So you started this list 15 years ago?

11 A. Right.

12 Q. Do you -- when did you finish it?

13 A. Oh, maybe three years ago, was it? Maybe
14 three years ago. Three, four years ago anyhow.
15 Something like that.

16 Q. And are you certain that all of these
17 individuals and entities on this list brought
18 wastes to the site?

19 A. I broke up every box, all the filings.
20 Everybody's end of the year paperwork, I barreled
21 everything up. A lot of it was supposed to be
22 burnt, but once it hit the ground it belonged to
23 me, so I salvaged everything.

24 Q. Now, when -- I'm looking at the title of



1 this. On the first page it says "Individuals and
2 entities that brought waste to the site." When
3 you say "the site," are you talking about the
4 burning dump and the Shpack dump?

5 A. No.

6 MS. O'BRIEN: I object. You have to
7 look at the -- the request for information itself
8 to see how you defined the site.

9 Q. Do you have -- is it your understanding
10 that these entities brought wastes to both the
11 Shpack dump and the -- and your dump?

12 A. No. I'm only talking about my dump.

13 Q. Okay. Well, why don't we start just going
14 through some of these company by company and see
15 if maybe we can refresh your recollection about
16 what these companies and people were bringing to
17 the site.

18 Well, we've -- or you've mentioned
19 Metals & Controls a couple of times. In the
20 period from 1946 until 1966?

21 A. '65.

22 Q. '65, excuse me. 1946 until 1965, do you
23 recall Metals & Controls dumping waste on your
24 property, on the burning dump?

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1 A. Yes, I remember that the first two months
2 that I worked there they dumped there.

3 Q. The first two months in 1956?

4 A. '46.

5 Q. '46. Do you recall what they disposed of?

6 A. Well, they dumped their load and I don't
7 know. Just regular trash. Dust and stuff like
8 that.

9 Q. Do you recall any -- anything specific
10 about their wastes?

11 A. No.

12 Q. Do you recall if it came in drums?

13 A. I don't, no.

14 Q. Do you recall how often Metals & Controls
15 would dump for that first couple months at your
16 place?

17 A. I'd say a couple times a day.

18 Q. And do you remember what kind of truck
19 they had?

20 A. They usually ran Fords.

21 Q. Was it a pickup truck, a stake body truck?

22 A. No. A dump truck.

23 Q. And it would be a full load a couple times
24 a day?

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1 A. Well, they had -- they had a rack over
2 there.

3 Q. A rack?

4 A. They had a rack over it so that, you know,
5 what you're talking a full load, a half load, or
6 whatever, you know. I mean, it was a load.
7 That's it.

8 Q. Did you direct people where to dump their
9 waste when they got to the burning dump?

10 A. Well, we backed them in off the road
11 because we weren't burning -- the two months that
12 I was there we didn't burn. We just dumped the

13 loads and -- just kept dumping off the road.

14 Q. Do you recall during -- do you recall any
15 distinctive characteristics at all about the
16 Metals & Controls' waste that came in?

17 A. No.

18 Q. Do you recall seeing any barrels with
19 Metals & Controls' writing on it?

20 A. No.

21 Q. Do you recall any signs with Metals &
22 Controls on your property, dumped on your
23 property?

24 A. Never paid any attention. Didn't salvage

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1 in those days because it was just taking stuff in
2 off the road and there was no place to go.

3 Q. Do you know whether Metals & Controls took
4 waste to the Shpack dump?

5 A. Well, yeah, when they -- when Mr. Shpack
6 took all the customers, then it went over to his
7 property.

8 Q. Was that in 1949, 1950 time frame?

9 A. Somewhere in that neighborhood.

10 Q. So from your recollection is that as soon
11 as Shpack started accepting waste that Metals &
12 Controls started dumping there?

13 A. Right.

14 Q. Do you recall whether they were still
15 dumping there when Mr. Shpack stopped accepting
16 wastes?

17 A. No.

18 Q. Do you recall how long Metals & Controls
19 took their waste to the Shpack dump?

20 A. Until 1965.

21 Q. Do you recall how frequently Metals &
22 Controls would take their wastes to Shpack?

23 A. I probably remember a couple loads a day
24 going by, but I don't know. Could be more, could

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1 be less.

2 Q. Do you recall the names of any of the
3 drivers that brought in the Metals & Controls'

4 wastes who are still alive?

5 A. I already gave it to you.

6 Q. That's it?

7 A. Right.

8 MR. WEISBERG: What was the name
9 again?

10 Q. He already told us.

11 A. George and Fred Fontaine.

12 Q. And you don't have any recollection of
13 any -- anything in particular -- any distinctive
14 characteristics about the Metals & Controls' waste
15 at Shpack?

16 A. No.

17 Q. How about Handy & Harman or Attleboro
18 Refining Company?

19 A. Yeah.

20 Q. Did Handy & Harman dispose of waste at
21 your -- on your burning dump?

22 A. Well, Handy & Harman was later on down the
23 line. Attleboro Refinery was the first one.

24 Q. Did Attleboro Refining Company dispose of

1 waste on your property?

2 A. Yes.

3 Q. Do you recall when they disposed of waste,
4 what time frame?

5 A. As long as I can remember.

6 Q. So you believe that they started disposing
7 of waste in the 1946 time frame?

8 MS. O'BRIEN: Objection, to the form.

9 A. In '46 I don't remember.

10 Q. Do you recall that -- whether Attleboro
11 Refining Company -- whether Attleboro Refining
12 Company waste was going to the burning dump prior
13 to 1956?

14 A. No.

15 Q. Do you recall when you took over the dump
16 in 1956 that wastes from Attleboro Refining
17 Company were coming in?

18 A. Well, you had two Attleboro refineries.

19 Q. There were two Attleboro refineries?

20 A. Yeah.

21 Q. Two different locations?

22 A. Right.

23 Q. Do you recall whether wastes from either

24 of those locations were coming in to your

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1 property?

2 A. Yes.

3 Q. Which locations?

4 A. Both locations.

5 Q. Both locations. Okay.

6 And was -- this was after 1956.

7 A. Right.

8 Q. Do you recall whether wastes from

9 Attleboro Refining Company were being disposed of
10 at your property up until the day that burning
11 stopped?

12 A. Yes.

13 MR. AGNELLO: Did you ask him if it
14 was the burning dump being used because you talked
15 about burning and you talked about the property?

16 Q. Okay. This was Attleboro Refining Company
17 wastes were -- disposed of at the burning dump,
18 correct?

19 A. Right.

20 Q. Do you know what -- what the wastes from
21 the Attleboro Refining Company were?

22 A. They had a 2000-gallon tank incinerator on
23 the edge of the road and they would dump into
24 that. So what they were burning there I have no

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1 idea. I never went to check. Never looked.
2 Because the mayor told me it was none of my
3 business.

4 Q. Did you ask at some point what Attleboro
5 Refining Company was bringing in?

6 A. No.

7 Q. Did they bring in liquid wastes?

8 A. I have no idea. They would back up and
9 dump into it. Sometimes I saw flooring that they
10 burnt, but other than that I couldn't know what
11 they dumped into it.

12 Q. Flooring that they burnt?

13 A. Well, they refined the gold out of the
14 floors, but whatever else. It was almost a daily

15 routine off and on.

16 Q. Do you recall whether any sludge or mud
17 was brought in from Attleboro Refining Company?

18 MR. AGNELLO: Objection as to form.

19 THE WITNESS: Who objected?

20 MS. O'BRIEN: He objected as to the
21 form of the question, but if you know or you
22 understand the question, you can still answer it.

23 A. Bring it back.

24 Q. Did Attleboro Refining Company dispose of

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1 any sludge on your property that you're aware of?

2 A. Yes.

3 Q. How frequently would they dispose of
4 sludge?

5 A. Went on for years.

6 MR. LAST: I'm sorry, I didn't hear
7 that.

8 A. It went on for years.

9 Q. How did the sludge come in?

10 A. Well, came in in a tank truck. Came in
11 eventually with trucks with sludge.

12 Q. The tank trucks, were they owned by
13 Attleboro Refining Company, do you know?

14 A. Just one.

15 Q. One. Do you know how large a tank truck
16 it was?

17 A. I don't know. Maybe five, 800 gallons.
18 Whatever.

19 Q. And how many -- would they come in once a
20 month with the sludge?

21 MR. AGNELLO: Objection as to form.

22 MS. O'BRIEN: Objection as to the
23 form.

24 Q. How frequently would they come in bringing

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1 sludge?

2 THE WITNESS: Did you object or what?

3 MS. O'BRIEN: Yes. She rephrased the
4 question and asked you how frequently did they
5 come with the tanker truck of sludge.

6 A. Well, the tanker truck was liquid. It was
7 years later that sludge came in.

8 Q. Okay. Do you recall what time period the
9 tanker truck with liquids was coming in to the
10 burning dump?

11 A. Sometimes -- I would come back from
12 selling my scrap and stuff and the truck would --
13 you know, would be on his way out or whatever,
14 but, you know, I can't tell you whether it was
15 once a week or once a month. Frequent. That's
16 all.

17 Q. And the tanker trucks would come
18 frequently with both the liquid and the sludge?

19 MS. O'BRIEN: Objection.

20 MR. AGNELLO: Objection as to form.

21 Q. I guess I'm getting confused here.

22 A. I think you're lost.

23 Q. Okay. So I think you said that the tanker
24 trucks in the beginning had?

1 A. Tank truck. One truck.

2 Q. The one tanker truck would bring liquid in
3 the beginning, correct?

4 A. Right.

5 Q. And then later on the tanker truck would
6 bring sludge?

7 A. Later on they changed their operation so
8 that they had their own set-up. Once every couple
9 years they'd bring sludge in.

10 Q. Okay. So when the tanker trucks came
11 frequently, that's when they were carrying liquid?

12 A. Right.

13 Q. And then the sludge was --

14 A. Later.

15 Q. Later. And not as frequent.

16 A. Oh, yeah. No.

17 Q. Did Attleboro Refining Company bring any
18 other types of wastes to the dump that you're
19 aware of?

20 A. Yeah. They brought slag. They brought
21 containers where they used to melt down the gold
22 and stuff.

23 Q. What did the slag look like?

24 A. I don't know. Whatever they had for



1 furnaces. Evidently they must have cleaned the
2 furnaces and -- things that were done long before
3 you were ever born. In fact, I don't think
4 there's anybody in here that was alive back in
5 those days of '46. Is there?

6 Q. Nobody is raising their hand.

7 Do you --

8 A. And, you know, everybody is dead.

9 Q. I'm sorry?

10 A. Everybody has died. Go on. I guess we
11 better pray to the man upstairs that we're still
12 alive, right?

13 Q. That's right.

14 Did Attleboro Refining Company bring
15 all of its own waste to the dump?

16 A. To the Attleboro dump, yes.

17 Q. Yes.

18 MR. AGNELLO: Could you repeat the
19 answer.

20 A. To the Attleboro dump.

21 MS. O'BRIEN: To the Attleboro dump.

22 MR. AGNELLO: Is that different than
23 the burning dump?

24 A. That's the burning dump. There was the

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1 burning dump until '65.

2 Q. And was it always an Attleboro Refining
3 Company truck that brought the waste?

4 A. Yes.

5 Q. Do you recall who drove the trucks?

6 A. I remember the face, but I never -- I
7 don't think I ever knew his name.

8 Q. Do you recall any distinctive
9 characteristics about the wastes from Attleboro
10 Refining Company?

11 A. No.

12 Q. Any smell?

13 A. No.

14 Q. Color?

15 A. Where are you going here?

16 Q. I'm just trying to figure out if there's
17 anything in particular that you remember about the
18 wastes from Attleboro Refining Company that set it
19 apart from what was coming in.

20 MR. AGNELLO: Objection as to form.

21 A. You're talking Union Street or are you
22 talking East Street? Where are you talking here?

23 Q. Either.

24 A. Well, like I explained --

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1 Q. Or both.

2 A. -- everything that came in from Union
3 Street was where they melted down all their
4 metals.

5 Q. Okay.

6 A. Right. Or East Street they refined to get
7 the nickel out of the chemicals. So you got two
8 different projects going.

9 Q. Okay.

10 Well, the wastes from either one of
11 those locations, do you recall anything

12 distinctive or unusual about it?

13 A. No. Sludge is sludge and trash is trash.

14 Q. Can you think of anybody -- anybody who

15 might have additional information regarding

16 Attleboro refining company's wastes?

17 A. No.

18 Q. Was -- do you know whether Attleboro

19 Refining Company had been bought out by Handy &

20 Harman prior to your dump closing? Or did that

21 happen later?

22 MS. O'BRIEN: I object to the form.

23 If you understand the question, you can answer it.

24 A. Okay. Bring it back again.

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1 Q. Well, you mentioned -- was Handy & Harman

2 in business at the time that the dump closed?

3 MR. AGNELLO: Objection as to form.

4 Q. Or were they still going by the name

5 Attleboro Refining Company?

6 A. No. It changed to -- it changed to what

7 did you say?

8 Q. Handy & Harman?

9 A. Handy & Harman, yes.

10 Q. And that was prior to the burning dump
11 closing?

12 A. I believe it was right after the dump
13 closed.

14 Q. Did the slag from Attleboro Refining
15 Company, did it look metallic?

16 A. No.

17 Q. Was it dark gray?

18 A. Dark. Just like you would chisel out of
19 your furnace.

20 Q. Blackish gray?

21 A. Yeah.

22 Q. How about Swank's. We talked a little bit
23 about them earlier. Let's just follow up on that.

24 Did Swank dispose of waste on your

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1 property?

2 A. Until the Shpack dump opened up.

3 Q. Do you recall whether Swank was disposing
4 of waste from the 1946 time period? Is that when
5 they began?

6 A. Yes.

7 Q. And then when Shpack -- when the Shpack
8 dump opened, Swank started dumping over there?

9 A. Right.

10 Q. Do you recall what type of waste Swank
11 brought to your dump?

12 A. After '56?

13 Q. I thought after '56 they were dumping at
14 Shpack.

15 A. They were, but the last load in the
16 afternoon came to my place. It was a different
17 driver.

18 Q. Okay. That's after 1956?

19 A. Yes.

20 Q. So from 1956 Shpack would take some -- not
21 Shpack. Swank would take some loads to Shpack?

22 A. Right.

23 Q. And then the last load of the day would go
24 to your place.



1 A. Right.

2 Q. And do you know how long they did that
3 for?

4 A. Until '65.

5 Q. Do you recall what Swank's waste looked
6 like that came onto your property?

7 A. It was all office paper.

8 Q. All office paper. Nothing else?

9 A. There was about four cases every day of
10 soup cans, half gallon soup cans. Swank supplied
11 soup to every person that worked in their factory.

12 Q. That's nice.

13 A. At lunch time.

14 Q. That was nice.

15 So four to five cases every day of
16 empty soup cans and office paper, that's?

17 A. Right.

18 Q. All that came in --

19 A. Yeah.

20 Q. -- to the burning dump?

21 A. Right.

22 Q. Do you know what Swank disposed of at the
23 Shpack dump?
24 A. I have no idea.

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1 Q. Was it a different -- you said it was a
2 different driver, right?
3 A. Yes.
4 Q. Was it a different truck that went?
5 A. Same truck.
6 Q. Same truck, different driver.
7 Which was the driver -- what was the
8 name of the driver who came to the burning dump?
9 A. To my dump?
10 Q. Yeah.
11 A. I know his name was Larry. I don't
12 remember the last name.
13 Q. Do you know if he's still around?
14 A. He died.
15 Q. Do you recall who the driver was who went
16 to the Shpack site?
17 A. I don't, no.

18 Q. Do you recall how many times a day Swank
19 would go to the Shpack dump?

20 A. At least once.

21 Q. Do you recall whether Swank disposed of
22 liquids at the Shpack dump?

23 A. I have no idea.

24 Q. Aside from the soup cans, can you think of

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1 anything else that was distinctive about Swank's
2 waste?

3 A. No.

4 Q. How about -- are you familiar with a
5 company called General Cable Company?

6 A. Yeah.

7 Q. Did General Cable Company dispose of waste
8 on your property at the burning dump?

9 A. Yeah.

10 Q. Do you recall what time period they
11 disposed of waste?

12 A. '56 to '65.

13 Q. Do you know where General Cable Company
14 was located?

15 A. South Attleboro.

16 Q. Did they haul their own waste?

17 A. Well, it was only pallets.

18 Q. Pallets?

19 A. Yeah. Wooden pallets. That's all there
20 was.

21 Q. How many times a day?

22 MR. COBURN: Could you repeat that?

23 MS. O'BRIEN: Wooden pallets.

24 A. Wooden pallets. Maybe once every two or

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1 three months.

2 Q. Do you recall who drove the truck for
3 General Cable?

4 A. No.

5 Q. And it's your recollection that all they
6 brought in was wooden pallets --

7 A. Right.

8 Q. -- nothing else?

9 A. Right.

10 Q. Are you familiar with a company called
11 Carol Cable?

12 A. Yes.

13 Q. Did that company ever dispose of waste on
14 your property?

15 A. Pallets.

16 MR. SHERMAN: I'm sorry, I can't hear
17 the answer.

18 A. Pallets.

19 MR. SHERMAN: Could you either speak
20 up or have it read back, please. What was the
21 answer to that question?

22 MS. O'BRIEN: Pallets.

23 A. Pallets.

24 MR. SHERMAN: Thank you.

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1 Q. What time frame did Carol Cable bring
2 waste to your site or to your dump?

3 A. They only brought pallets.

4 Q. What time frame was that?

5 A. Well, until '65.

6 Q. 1956 and '65?

7 A. No. Maybe '60 to '65. Something like
8 that.

9 Q. Do you know whether General Cable company
10 disposed of waste on the Shpack dump?

11 A. No.

12 Q. No, they did not?

13 A. No.

14 Q. Did Carol Cable dispose of waste at the
15 Shpack dump to your knowledge?

16 A. No.

17 Q. Do you recall who brought the waste from
18 General Cable in?

19 A. No.

20 Q. Do you recall who brought the waste from
21 Carol Cable in?

22 A. No.

23 Q. Do you recall how frequently Carol Cable
24 would bring the pallets?

1 A. Every two or three, four months or
2 whatever.

3 Q. Thompson Chemical, are you familiar with
4 that company?

5 A. Yeah.

6 Q. Did Thompson Chemical dispose of waste on
7 your property?

8 A. Yes.

9 Q. At the burning dump?

10 A. Yes.

11 Q. Do you recall what time frame Thompson
12 Chemical disposed of waste at the burning dump?

13 A. 1962.

14 Q. Just 1962?

15 A. I believe so.

16 MS. O'BRIEN: Try to speak up just a
17 little, Al.

18 A. Yeah. '62.

19 Q. Do you know if Thompson Chemical disposed
20 of waste at the Shpack site or Shpack dump?

21 A. Yes.

22 Q. Do you know what time frame that was?

23 A. 1962.

24 Q. So Thompson Chemical disposed of waste at

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1 your burning dump and the Shpack dump during the
2 same time frame?

3 A. No.

4 Q. Okay. Could you --

5 A. My dump was still burning so we couldn't
6 take in when the place blew. It had to be dumped
7 over there where there was no fires.

8 Q. Okay. So when -- you're talking about the
9 debris from the Thompson Chemical fire?

10 A. Right.

11 Q. That debris was brought in and put in the
12 Shpack --

13 A. Right.

14 Q. -- side of the dump?

15 A. Right.

16 Q. Did anything from Thompson Chemical go
17 onto your -- your burning dump?

18 A. Only the cement blocks.

19 Q. Cement blocks?

20 A. Yeah.

21 Q. Do you know where the cement blocks were
22 from?

23 A. They said it was a boiler room.

24 Q. Aside from debris from the Thompson

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1 Chemical fire, did Thompson Chemical dispose of
2 any other waste at your burning dump?

3 A. Not really. No.

4 Q. Do you know whether Thompson Chemical
5 disposed of anything other than the fire debris at
6 Shpack?

7 A. No.

8 Q. Do you recall what type of material from
9 the Thompson Chemical fire was disposed of at the
10 Shpack site?

11 A. Cement, steel beams, powder.

12 Q. Do you know what type of powder?

13 A. They told me it was polyvinyl chloride,
14 but I have no idea.

15 Q. Do you know who "they" is?

16 A. I don't know. Bulldozer operators, I
17 guess.

18 Q. Do you know how the powder came in?

19 A. Trucks.

20 Q. Was it loose, was it in bags?

21 A. No. Loose.

22 Q. Just loose.

23 Do you recall what color the powder
24 was?

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1 A. White. Hoses were green.

2 MR. SHERMAN: I'm sorry, I can't hear
3 the answers.

4 A. Hoses were green.

5 MR. SHERMAN: Would you either please
6 put the microphone closer so that we can hear or
7 I'm going to ask the stenographer to read his
8 answer back because I cannot hear. I'm sorry.

9 MS. O'BRIEN: Could you repeat your

10 answer, Al.

11 A. Where were we --

12 Q. You were talking about the powder.

13 A. There was white powder and there was green
14 hoses.

15 Q. Do you have an idea the volume of the
16 white powder?

17 A. Well, they had a D8 and a D9 pushing for
18 months. So I have -- I don't know.

19 Q. A D8 and a D9?

20 A. Right.

21 Q. What are they?

22 A. A big toy.

23 Q. I'm guessing it's a bulldozer.

24 A. Right.

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1 Q. So they had two bulldozers?

2 A. Right.

3 Q. Pushing for --

4 A. Months.

5 Q. -- months.

6 A. Yeah.

7 Q. Do you know how the white powder came in,
8 did it come in in a truck?

9 A. Dump trucks.

10 Q. Dump trucks?

11 A. Yeah.

12 Q. Do you know about how many dump trucks
13 came in?

14 A. No, I didn't pay too much attention. I
15 was busy salvaging.

16 Q. Do you know who was operating the
17 bulldozers?

18 A. No.

19 Q. Other than the cement, steel beams, the
20 powder and the green hoses, do you recall anything
21 else that came in from Thompson Chemical onto the
22 Shpack dump?

23 A. No.

24 Q. Are you familiar with a company called

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1 Puritan Aerosol?

2 A. Yes.

3 Q. Do you recall whether Puritan Aerosol
4 disposed of waste on your burning dump?

5 A. They brought in pallets.

6 Q. Pallets?

7 A. Yes.

8 Q. Do you recall what time frame that was in?

9 A. Probably '65 or so.

10 Q. Do you recall how long they brought the
11 pallets in for? Was it until the burning dump
12 closed?

13 A. Yes.

14 Q. Do you recall who brought the pallets in?

15 Was it a --

16 A. Truck.

17 Q. -- Puritan Aerosol truck?

18 A. No.

19 Q. Do you recall whose truck it was?

20 A. No.

21 Q. Do you recall anything other than pallets
22 that came in from Puritan Aerosol?

23 A. No.

24 Q. Do you recall any empty aerosol cans



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1 coming in from Puritan Aerosol?

2 A. No.

3 Q. Do you know whether Puritan Aerosol also
4 disposed of waste at the Shpack dump?

5 A. No.

6 Q. Do you recall whether --

7 MR. LAST: I'm sorry. Did he say he
8 didn't recall or they didn't dispose? I wasn't
9 clear on that answer.

10 A. No, they didn't.

11 MR. LAST: They didn't dispose.

12 A. No.

13 Q. Do you recall whether Puritan Aerosol's
14 waste came in on Goditt & Boyer trucks?

15 A. No. That was -- that was all pallets.

16 Q. It was all pallets?

17 A. Yes.

18 Q. And you don't remember who brought those
19 pallets in for Puritan Aerosol.

20 A. No.

21 MS. O'BRIEN: Objection.

22 Q. Do you recall how frequently they -- the
23 pallets from Puritan would come in?

24 A. Maybe once every six months.

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1 Q. Are you familiar with a company known as
2 Sisalkraft?

3 A. Yes.

4 Q. Did Sisalkraft dispose of waste at the
5 burning dump?

6 A. Yes.

7 Q. Do you recall what time frame that was?

8 A. I don't know. Maybe 1960.

9 Q. Do you recall how long Sisalkraft disposed
10 of waste at the burning dump?

11 A. '65.

12 Q. Do you recall what their -- what type of
13 waste Sisalkraft disposed of at the dump?

14 A. Paper.

15 Q. Anything other than paper?

16 A. That's about it.

17 Q. Were there any distinctive characteristics
18 about the paper? Was it just white paper?

19 A. No. Every kind of paper you could think
20 of.

21 Q. Like what?

22 A. Plastic-coated, asphalt-coated. Whatever.

23 Q. Do you recall any other types of paper
24 that came in from Sisalkraft?

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1 A. No.

2 Q. Do you recall who brought the paper in
3 from Sisalkraft?

4 A. It was brought in by Goditt & Boyer.

5 Q. Do you recall how frequently Goditt &
6 Boyer would bring waste from Sisalkraft in?

7 A. Could be -- could be every day. Could be
8 once every three or four days.

9 Q. Do you know whether waste from Sisalkraft
10 was ever disposed of at the Shpack dump?

11 A. No.

12 Q. No, you don't recall or no, they did not
13 dispose of waste at Shpack?

14 A. No, they didn't.

15 Q. Do you recall whether -- what color the
16 paper from Sisalkraft was that was being disposed
17 of on your property?

18 A. What do you want me to say, it was blue,
19 it was red black. It was --

20 Q. Well, I don't know if it was --

21 A. That's it.

22 Q. -- white paper or whether it was brown
23 paper.

24 A. It was brown paper, there was black paper.

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1 There was blue paper. There was.

2 Q. What -- how about the plastic-coated
3 paper, was that a certain color?

4 A. Depends what their product was. They put
5 plastic over their -- their blue, plastic over
6 their black.

7 Q. So it could be any color plastic-coated?

8 A. Any color, right.

9 Q. And the asphalt-coated paper?

10 A. That was regular brown paper on each side.

11 Q. On each side?

12 A. (No verbal response.)

13 Q. Do you have any recollection of the

14 quantities of waste that were coming in from

15 Sisalkraft?

16 A. I never figured anything out. I couldn't

17 salvage anything there. There was nothing any

18 good so I didn't pay any attention. I might have

19 found a piece of cardboard once in a while to

20 salvage. That's it.

21 Q. Is there anything else that you remember

22 about Seiselcraft's waste?

23 A. No.

24 Q. How about Kewanee Industry, are you

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1 familiar with that company?

2 A. No, I'm not.

3 Q. No.

4 A. What page would that be on?

5 Q. How about Montrose Hauser, are you
6 familiar with them?

7 A. Yes.

8 Q. Okay. On page eight I believe is Montrose
9 with a question mark. Do you know what company
10 that is? There you are. Do you know what company
11 that is?

12 A. Yeah.

13 Q. Montrose?

14 A. That's the Wolfenden building.

15 Q. I'm sorry?

16 A. Yeah. That's the Wolfenden building.

17 Q. Do you know what -- what this company
18 made?

19 A. Yeah. Shellac, varnish. Paints for the
20 government.

21 Q. And Montrose disposed of waste at your
22 burning dump, is that correct?

23 A. Yes.

24 Q. Do you recall the time period that they



1 disposed of waste at your dump?

2 A. Just trying to think. See, in 1955 I
3 went -- I'm just trying to remember because when I
4 was travelling in an Army convoy in the Carolinas,
5 that was 1954, and JP Stevens used to be in that
6 building. So that was '54 that I saw them when
7 they moved to Carolinas. So Montrose had to go in
8 there maybe three, four years later.

9 Q. So around '57, '58 you think?

10 A. '59. Somewhere in that neighborhood.

11 Q. And were they still disposing of waste at
12 the burning dump in 1965 when it closed?

13 A. Yes.

14 Q. Do you recall what type of waste was
15 coming in from Montrose?

16 A. It was mud.

17 Q. Mud?

18 A. Yeah.

19 Q. Do you know what type of mud?

20 A. I don't know. Must have been the residue
21 from varnish or shellac or whatever.

22 Q. Do you recall whether there was any odor
23 associated with the mud?
24 A. Never noticed any. See, I always sent

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1 them around back on the lower level so. In fact,
2 a guy got hurt out there and I never even saw it.

3 Q. What happened to him?

4 A. He fell between the tailgate and the
5 truck. I guess Montrose must be still paying
6 workmen's comp on that fellow. Who's the
7 fellow -- who's the attorney for Montrose?

8 Q. Again, nobody raises their hands.

9 Can you show me on the map here on
10 this Exhibit 1 where the wastes from Montrose were
11 disposed of.

12 A. Probably about this area. Halfway back.

13 Q. Can you mark that for me. Can you maybe
14 put Montrose or can you write that next to it so
15 we remember what that is.

16 Is that the only waste that was
17 disposed of in that area, the Montrose waste?

18 A. Yeah. Well, they had bags, burlap bags,
19 paper bags.

20 Q. Were the bags empty?

21 A. Yes.

22 Q. Do you know what the bags had contained?

23 A. Some kind of shit from bugs.

24 Q. Okay. Do you know what type of bugs?

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1 A. No.

2 Q. Is that the paper bags, the burlap bags or
3 both?

4 A. Burlap.

5 Q. Do you know what was in the paper bags?

6 A. I have no idea.

7 Q. And this area in the inside of the burning
8 dump that you marked as where you had Montrose
9 dispose of the mud, did they also dispose of the
10 burlap bags and the paper bags there too?

11 A. Yes.

12 Q. Did you have any other company dispose of

13 their waste in this area?

14 A. Yes.

15 Q. What other companies?

16 A. The Attleboro Refinery.

17 Q. Attleboro Refinery?

18 A. Yeah.

19 Q. All -- did all of Attleboro Refinery's
20 wastes go in that area?

21 A. No.

22 Q. Where else did Attleboro Refinery's wastes
23 go?

24 A. Well, they had a burning incinerator right

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1 here and then you had the regular working face
2 over here and any type of a liquid went around the
3 back.

4 Q. Okay. So any sort of liquid waste would
5 go inside the burning dump like right where you
6 marked the Montrose waste going?

7 A. Right.

8 Q. Do you recall what color the mud coming in

- 9 from Montrose was?
- 10 A. Kind of whitish or brown. One or the
- 11 other.
- 12 Q. Whitish or brown?
- 13 A. Yeah.
- 14 Q. And did Montrose haul its own waste?
- 15 A. Yes.
- 16 Q. Do you recall how frequently they would
- 17 come to the burning dump?
- 18 A. Once a day.
- 19 Q. For the entire time frame?
- 20 A. Yes.
- 21 Q. Do you know whether Montrose ever disposed
- 22 of waste at the Shpack dump?
- 23 A. No.
- 24 Q. No, they did not?

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- 1 A. (No verbal response.)
- 2 Q. Aside from the mud and the burlap bags and
- 3 the paper bags, do you recall anything else about

4 the Montrose wastes?

5 A. Well, once in a while there'd be a barrel
6 in it.

7 Q. Do you recall whether the barrel was empty
8 or full?

9 A. Always something in it, but I don't know
10 what.

11 Q. Do you recall what color the barrel was?

12 A. Well, a black barrel.

13 Q. Do you know what was in the barrel?

14 A. No.

15 Q. Do you know whether -- were the contents
16 of the barrel dumped out on the property?

17 A. No. Eventually the fire got back there
18 and it burned, but don't know what.

19 Q. So the barrel would be just pushed in the
20 dump and eventually it would burn.

21 A. Right.

22 Q. Do you recall were there any specific
23 instances of Montrose's barrels burning? Were
24 there any explosions associated with it or

1 anything?

2 A. Didn't pay much attention. They burned
3 and that was it, you know.

4 MS. CHANG: Did whoever hear that?

5 A. The stuff burned and that was it.

6 Q. Do you know whether it was a liquid or a
7 solid in the barrel?

8 A. Could've been just as well a solid.
9 Could've been a liquid. I don't know.

10 Q. Do you recall the names of any of the
11 drivers that would bring the Montrose waste in?

12 A. No, I don't.

13 Q. How about Larson Tool? Are you familiar
14 with that company?

15 A. Yeah.

16 Q. And did Larson Tool dispose of waste on
17 your property at the burning dump?

18 A. They brought in pallets once in a while,
19 but I don't remember seeing them with anything
20 else.

21 Q. Did Larson Tool dispose of waste at the
22 Shpack dump?

23 A. No.

24 Q. Do you know the time frame that Larson

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1 Tool brought waste to your dump?

2 A. Could've been '56 to '65.

3 Q. Do you recall how frequently they would
4 bring waste in?

5 A. Not very often.

6 Q. Once a month or less?

7 A. I'd say probably once every six months
8 because I used to live almost next door to them
9 and they used to burn in their backyard.

10 Q. Was there anything other than pallets in
11 their waste?

12 A. Not that I can remember of.

13 Q. Did they bring their waste in themselves?

14 A. Yes.

15 Q. And do you recall any of the truck drivers
16 for Larson Tool?

17 A. No, I don't.

18 Q. How about Leach & Garner, are you familiar

19 with them?

20 A. Yes.

21 Q. Do you recall that they disposed of waste
22 at the burning dump?

23 A. A little bit.

24 Q. Do you recall what time frame that

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1 would've been in?

2 A. '56 to '65.

3 Q. Do you recall what their -- what was in
4 their waste?

5 A. It was just barrels of paper.

6 Q. Do you know what type of paper?

7 A. Well, office paper.

8 Q. Just office paper?

9 A. Stuff that they wanted burnt.

10 Q. But it wasn't plastic-coated paper or --

11 A. No.

12 Q. -- anything? Not tar paper?

13 A. No.

14 Q. Just office paper.

15 Was there anything other than paper in
16 the barrels that you recall?

17 A. No. Just paper.

18 Q. And did they bring their waste to the dump
19 themselves?

20 A. Yes.

21 Q. Do you recall any truck drivers?

22 A. Yes.

23 Q. Who would that be?

24 A. I don't know. His first name was Tony. I

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1 never knew anything else.

2 Q. When barrels came in to the dump, did you
3 empty out the barrels or did you just?

4 A. No. That was -- cardboard barrels.

5 Q. Oh, cardboard barrels.

6 A. Yes.

7 Q. And then the whole thing was burnt?

8 A. Well, I'd go in and grab -- it was
9 supposed to be burnt, but I grabbed all the

10 timecards and everything and barrel stuff up to
11 sell. As soon as the guy left I told him I would
12 burn it, and I grabbed it.

13 Q. How about -- on page one of your list you
14 have American Sisalkraft on Starky Avenue in
15 Attleboro listed. Is that the same Sisalkraft
16 that we were already spoke --

17 A. Right.

18 Q. -- speaking of?

19 Do you recall Apex Tire & Rubber?

20 A. Uh-huh.

21 Q. Did they dispose of waste at your site?

22 A. Pallets.

23 Q. Pallets?

24 Only pallets?

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1 A. What page is that on?

2 Q. That's on your second page there. I'm
3 sorry, I went backwards. There we go.

4 A. Yeah. Pallets.

5 Q. And it was only pallets that you recall?

6 A. Yeah.

7 Q. No rubber, no old tires?

8 A. Maybe a few tires.

9 Q. Do you recall the time frame that Apex
10 Tire disposed of waste at your site -- at your
11 property?

12 A. Maybe a couple times a year. Maybe three,
13 four years.

14 Q. That was prior to 1965 when the burning
15 dump --

16 A. Yes.

17 Q. -- stopped operating?

18 Do you recall how the waste from Apex
19 Tire & Rubber came into your dump?

20 A. Trailer truck.

21 Q. Trailer truck? Was it an Apex Tire
22 trailer truck?

23 A. I don't remember if it was Apex or
24 Thompson Chemical because they were the same

1 company.

2 Q. I'm sorry, you said that was pallets.

3 Pallets and a few tires?

4 A. Yeah.

5 Q. Anything else that you can recall in their
6 wastes?

7 A. No.

8 Q. Do you recall who brought the -- the name
9 of the drivers of any of the trucks that came in?

10 A. No.

11 Q. The Apex Tire, that's a different location
12 than Thompson Chemical, is that correct?

13 A. Well, I don't know. That was -- you know,
14 maybe I -- maybe I saw the name on the truck, but,
15 you know, that could've come from Thompson
16 Chemical.

17 Q. Okay. Where was Thompson Chemical
18 located? Was that in --

19 A. Most of their place was in Attleboro.
20 Might have been a little bit in Seekonk. I don't
21 know. Mostly Attleboro.

22 Q. But Apex Tire & Rubber was from Pawtucket?

23 COUNSEL: Objection.

24 Q. You can go ahead and answer. According to



1 your list here you have Apex Tire --

2 A. Well --

3 Q. -- from Pawtucket.

4 A. -- that's what the truck said, but who
5 knows.

6 Q. All right.

7 A. You know what I mean, it could've been
8 Thompson Chemical.

9 Q. What about Artcraft Company? Wait, I'm
10 sorry. I'm sorry. I'm sorry. Let me back up to
11 Apex Tire again.

12 Did Apex Tire ever dispose of waste on
13 the Shpack parcel to your knowledge?

14 A. No.

15 Q. Now, let's go to Artcraft.

16 Do you recall Artcraft disposing of
17 waste at the burning dump?

18 A. Yeah.

19 Q. Do you recall during what time period they
20 disposed of waste there?

21 A. Didn't come very often. That was a
22 machine shop.

23 MR. SHERMAN: Can't hear the answer.

24 A. That was a machine shop.

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1 MR. SHERMAN: Would you please have it
2 read back.

3 (Last answer was read back by the reporter.)

4 Q. What time frame was that in, do you
5 recall?

6 A. During the period of time, yeah.

7 Q. 1956 to '65?

8 A. Yeah.

9 Q. And what do you mean by it didn't come in
10 very often? Would that be once a month?

11 A. Probably no more than once a month. Just
12 barrels of paper, a few grindings. That's about
13 it.

14 Q. Do you --

15 MS. TAYLOR: What was that? I didn't

16 hear it.

17 Q. Paper and a few grindings. Do you recall
18 what the grindings were? What the grindings were
19 of?

20 A. No. Just metal grindings.

21 Q. Any type of metal in particular that you
22 recall?

23 A. No.

24 Q. Do you recall how big the barrels were?

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1 A. Well, you had some cardboard barrels cause
2 I remember salvaging all the tab cards and stuff.
3 Probably a couple steel barrels, but all loose --
4 all loose rubbish.

5 Q. Do you have any recollection of liquid
6 wastes coming in from Artcraft?

7 A. No.

8 Q. Do you have any recollection of rags, like
9 shop rags being thrown in the waste from Artcraft?

10 A. I don't remember seeing any.

11 Q. Do you recall how the waste from Artcraft

12 got to the burning dump?

13 A. Pickup truck.

14 Q. Was it their own pickup truck?

15 A. Yes.

16 Q. Do you recall any of the drivers' names?

17 A. No.

18 Q. Can you think of any distinctive

19 characteristics about the Artcraft waste?

20 A. No.

21 Q. Did Artcraft dispose of its waste on the

22 Shpack dump to your knowledge?

23 A. No.

24 Q. How about the City of Attleboro, you

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1 accepted waste from the city, is that correct?

2 A. Yes.

3 Q. And what time frame was that during?

4 A. '46.

5 Q. '46 until the end in 1965?

6 A. Yeah.

7 Q. How many trucks would come in from

8 Attleboro, do you recall? Or how frequently

9 trucks...

10 A. Well, there could be two loads a day.

11 Could be 50 loads a day.

12 Q. So it varied all the time?

13 A. Well, it all depend. If the city packer

14 broke down, every truck in the city was hauling

15 rubbish down. So there could be 50 trucks in the

16 course of a day just from the city.

17 Q. And where did -- where did the waste from

18 the city come from, do you know?

19 A. Residents.

20 Q. All residents?

21 A. Yeah.

22 Q. Did any businesses have their waste picked

23 up by the city?

24 A. No.

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1 Q. Do you recall the names of any of the

2 truck drivers for the city?

3 A. Which one you looking for, the guy that
4 got shot because he was playing around with
5 somebody else's wife?

6 Q. Well, I didn't have anyone in particular
7 in mind, but that sounds interesting. Any names
8 would do.

9 A. Roland Roy, he's dead. Ernie Cody. He's
10 dead. No, no. Not Ernie Cody. Jimmy Cody.

11 Q. He's also dead?

12 A. Yep.

13 Q. Any city drivers you can think of who are
14 still alive?

15 A. Roland Roy, he's dead. All the ones I
16 think about are all dead.

17 MR. KREIGER: Can I ask the names be
18 read back? I wasn't clear whether there were
19 names --

20 A. All the ones I'm thinking of are all dead.

21 MR. KREIGER: I didn't get the names.

22 A. Jimmy Cody, Roland Roy. Rod Manetti.
23 They're all dead.

24 Q. And aside from residential waste, the city



1 didn't bring in any other types of waste?

2 A. Well, they would clean up the highway yard
3 and.

4 Q. The highway yard?

5 A. Yeah. Do construction and, you know,
6 different -- different material.

7 Q. Do you recall what types of material they
8 would bring in from jobs like that?

9 A. Well, they cleaned up the highway yard so
10 whatever was hanging around. Barrels, whatever.
11 Everything came in.

12 Q. Do you recall when they cleaned up the
13 highway yard?

14 A. Well, from '46 to '65 everything came.
15 Everything came to the dump.

16 Q. Everything from the city?

17 A. Right.

18 Q. Do you recall whether the city ever
19 brought barrels in with liquids?

20 A. Oh, yeah. Off and on.

21 Q. Do you recall what was in any of the

22 barrels?

23 A. See, a little bit of asphalt leaking out
24 of the barrels. Motor oil, but other than that,

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1 that's all there was.

2 Q. Do you recall any of the wastes coming in
3 from the city that had any sort of odor associated
4 with it?

5 A. Not really. No.

6 Q. And aside from motor oil and asphalt and
7 residential waste, can you think of any other
8 types of wastes that came in from the city?

9 A. No.

10 Q. What about the Attleboro Housing
11 Authority?

12 A. All residential rubbish.

13 Q. All residential rubbish?

14 And that's in the '56 to '65 time
15 frame?

16 A. Yes. You said '56? '65?

17 Q. Uh-huh.

18 A. Actually from the Second World War on,
19 right? They built those probably in the '50s.
20 '50 to '65, yeah.

21 Q. And was that brought in by city trucks,
22 the waste from the Attleboro Housing Authority?

23 A. Well, it was municipal trucks but not.

24 Q. Okay. Municipal?

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1 A. Municipal plates, let's put it that way.

2 Q. All right. Attleboro Refining we already
3 talked about.

4 On page three, do you recall Automatic
5 Machine Products?

6 A. Yes.

7 Q. Do you -- you recall that they disposed of
8 their waste at your burning dump?

9 A. Well, from the time that the Shpack dump
10 opened up until '65 they went to Shpack, but
11 before that they dumped in the Attleboro dump.

12 Q. Okay. So from the time the Attleboro dump

13 opened in '46 until Shpack opened it's your
14 recollection that automatic machine products
15 dumped at the Attleboro dump.

16 A. Right.

17 Q. Do you recall what their waste consisted
18 of?

19 A. Well, paper. Sawdust.

20 Q. Sawdust?

21 A. Yeah. A lot of brass scrap.

22 Q. Anything else you can think of?

23 A. No.

24 Q. Any oils that you recall?

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1 A. Well, your sawdust was oil. Sawdust
2 was -- sawdust was absorbed. That's what absorbed
3 the oil.

4 Q. So the sawdust would come in with oil --

5 A. Right.

6 Q. -- in it?

7 A. Right.

8 Q. How frequently would Automatic Machine

9 Products bring their waste --

10 A. Every day.

11 Q. -- every day?

12 Is that during the time frame when
13 they were dumping at Shpack as well.

14 A. Right.

15 Q. Every day.

16 And when you say there was a lot of
17 brass scrap, what do you mean by a lot?

18 A. Well, I mean not a lot, but on a daily
19 routine you picked up, you salvaged. That's how
20 you made a living.

21 Q. Would they bring -- would the brass scrap
22 come in barrels --

23 A. No.

24 Q. -- or would it just be loose in a truck?

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1 A. After you burnt it, you picked it out.

2 Q. How would it come into the dump, though?

3 A. In a truck.

4 Q. Just loose.

5 A. Yeah.

6 Q. And then you just torched everything --

7 A. Burnt it.

8 Q. -- and picked up what was left?

9 A. Right.

10 Q. Are there any liquids that you recall

11 Automatic Machine bringing into the dump?

12 A. I don't know what was -- I don't know what
13 was in the barrels.

14 Q. You didn't open all the barrels?

15 A. I didn't see -- no. I never opened up a
16 barrel.

17 Q. And you said they brought paper as well?

18 A. Yes.

19 Q. Was that just office paper?

20 A. Yes.

21 Q. Any other type of paper that you can think
22 of that they brought?

23 A. Well, paper you wiped your hands with and
24 stuff.

1 Q. But no plastic-coated paper or tar paper?

2 A. No.

3 Q. Any metals aside from the brass scrap that
4 you remember from Automatic Machine?

5 A. Well, a lot of the stuff had to be cleaned
6 so you'd have half brass and half steel and you
7 had to clean it.

8 Q. Do you know whether this is the same type
9 of waste that Automatic Machine took to the Shpack
10 dump?

11 A. Yes.

12 Q. It is.

13 Anything else you can think of about
14 Automatic Machine's waste?

15 A. No.

16 Q. Nothing distinctive?

17 A. Just daily routine.

18 Q. Did they -- did the waste come in in their
19 own truck?

20 A. Yes.

21 Q. Do you recall the names of the drivers?

22 A. No.

23 Q. And is it your recollection that Automatic

24 Machine continued to dump its waste at the Shpack

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1 dump until the Shpack dump closed?

2 A. Right.

3 Q. How about Balfour. L.G. Balfour Company,
4 do you recall that company?

5 A. Yeah.

6 Q. Did they also dispose of waste on your
7 burning dump?

8 A. Well, the truck came in and the guy would
9 dump his wood and everything, but he would save
10 all his metal and paper and tab cards and he'd
11 bring that to the same place I would bring my
12 paper products. Salvage.

13 Q. What time period was Balfour using your
14 dump?

15 A. '46 to '65.

16 Q. Was -- do you recall them ever disposing
17 of anything other than wood at your place?

18 A. I guess eventually he got a rubbish

19 packer, but that was all, you know, paper.

20 Q. Office paper?

21 A. Years -- as years went by, yeah. Yeah,
22 they had an old packer.

23 Q. Do you recall any metal grindings or
24 shavings?

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1 A. No.

2 Q. Any polishing compounds?

3 A. Don't remember seeing any.

4 Q. Don't recall any liquid wastes coming in
5 from Balfour?

6 A. (No verbal response.)

7 Q. Do you know whether Balfour disposed of
8 wastes at the Shpack site --

9 A. No.

10 Q. -- or Shpack dump?

11 A. Are you kidding? You had to have a
12 special permit to get in that gate.

13 Q. In Shpack?

14 A. Did you ever look down the barrel of a

15 gun?

16 Q. No. Fortunately.

17 A. Well, I couldn't walk over to his property
18 because.

19 Q. So you had to be on good terms with
20 Mr. Shpack in order to enter.

21 A. It wasn't very often he was on good terms.

22 Q. So unless you had good salvage you didn't
23 go over there?

24 A. That's it.

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1 Q. How are you doing?

2 MS. O'BRIEN: Do you want to take a
3 minute to stretch? Do you want to take a break?

4 THE WITNESS: (No verbal response.)

5 MS. CHANG: We're good?

6 MS. O'BRIEN: I guess we're good to go
7 for a little while longer.

8 Q. On page five of your list is Conoco, Inc.
9 Do you recall what type of waste Conoco, Inc.

10 would dispose of at the burning dump?

11 A. I'm just trying to think. It had to be
12 one of the gas stations. Well, see, all your gas
13 stations, you have a list of them, they're all,
14 you know, disposed of motor oil and remains from
15 cars and stuff that I used to salvage. All kinds
16 of metals and material like that.

17 Q. Do you recall any gas stations in
18 particular who disposed of waste at your site?
19 Were there any that stood out as large volume?

20 A. No. Most of them were all small volume.

21 Q. How about D.E. Makepeace? We started
22 talking about them a little bit.

23 A. Well, that's Engelhard Industry.

24 Q. Yeah. Do you recall what type of waste

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1 they disposed of at your dump?

2 A. Just regular -- regular paper and, you
3 know, there was barrels. They salvaged all
4 their -- all their metals and stuff, you know,
5 so -- and then they dumped in my place, I just

6 can't remember which year now they stopped.

7 Because that's when they moved to Plainville.

8 That was way back.

9 Q. They stopped when they moved to
10 Plainville?

11 A. Yeah. Yeah. Then they dumped in the
12 Shpack dump.

13 Q. Do you know why they switched from your
14 place to Shpack?

15 A. Maybe they had something good in the
16 truck. I don't know. Or he probably brought them
17 over when he started his place.

18 Q. If you look on your list here, in parens
19 after Division of Engelhard Plainville Industries,
20 it says "dumped cyanide decreasing solvent even
21 after '66 and '67."

22 MR. MASTROCOLA: Objection. The
23 objection is the -- to the form of the question.
24 The witness didn't indicate that he needed his

1 memory refreshed about that topic.

2 Q. On page five, do you see where in parens
3 at the bottom, your entry for D.E. Makepeace?

4 A. Yeah.

5 Q. It says "dumped cyanide decreasing solvent
6 even after 1966 and 1967."

7 A. All right. Yeah. They did dump a couple
8 times after -- after the place closed.

9 Q. So that was over at the Shpack site that
10 they dumped?

11 A. They dumped everything at the Shpack site
12 after -- must be after they moved or after -- or
13 when the old man took them from the Attleboro
14 dump. See, because the old man ran the Attleboro
15 dump. Mr. Shpack ran the Attleboro dump for a
16 length of time.

17 Q. How did you know it was cyanide decreasing
18 solvent?

19 A. That's what somebody had mentioned.

20 Q. Do you recall who had mentioned it?

21 A. I don't remember now.

22 Q. And it says here that they only dumped on
23 Shpack. Is that -- you mentioned a little bit
24 earlier that they had at one point dumped on



1 your -- at the burning dump as well.

2 A. Yeah. They had to dump at my place until
3 Mr. Shpack started his dump. But I don't remember
4 when Engelhard got started. How -- all I know is
5 they bought out Makepeace.

6 Q. Do you recall how frequently they would
7 dispose of waste at Shpack?

8 A. I didn't pay that much attention, you
9 know. Would I see a truck go in? I didn't pay
10 attention to what was going on. You was too busy
11 trying to make a living.

12 Q. Do you have any recollection of what type
13 of waste they disposed of at your dump?

14 A. I don't know.

15 Q. You don't recall any liquids, any cyanide
16 decreasing solvent?

17 A. No.

18 Q. Do you recall any drums with their names
19 on it?

20 A. No.

21 Q. Do you recall whether there were any
22 radiological wastes disposed of at your property?

23 MS. O'BRIEN: Objection. You can
24 answer if you know.

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1 Q. You're not aware of any?

2 A. No.

3 MR. AGNELLO: Was that limited to
4 Engelhard, D.E. Makepeace or was that a general
5 question?

6 Q. Generally. From anywhere. From any
7 source are you aware of any radiological compounds
8 being disposed of on your -- at your burning dump?

9 A. They weren't disposed of. They were
10 pushed over from the Shpack dump.

11 Q. Do you know where the radioactive material
12 came from?

13 A. Well you have all that information there
14 on -- they are working on the site now.

15 Q. Well, do you know what company the

16 radiological or the -- the radiological waste came
17 from?

18 A. Well, you have all that information there.
19 They're cleaning up the site now.

20 Q. I'm aware of that. But I'm just asking
21 from your observation at the time when these
22 materials were being disposed of, did you know and
23 do you know now what companies were disposing of
24 this material there?

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1 A. Well, it was Metals & Controls nuclear
2 division.

3 Q. Was there any other company that was
4 disposing of radiological materials that you're
5 aware of?

6 A. No.

7 MR. LAST: Had you finished Engelhard,
8 D.E. Makepeace?

9 MS. CHANG: I think so. Did I forget?

10 Q. Did D.E. Makepeace bring its own waste to
11 the burning dump?

12 A. Yes.

13 Q. Do you recall the names of any of the
14 drivers of the trucks?

15 A. No.

16 Q. Do you remember -- is there anything
17 unique about D.E. Makepeace's wastes that you can
18 remember?

19 A. No.

20 Q. On page nine of your list you have at the
21 top the Nike site in Rehoboth, Massachusetts?

22 A. Yes.

23 Q. What is that?

24 A. That's what it was, a Nike site. They

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1 had -- what do you call it? These things in the
2 ground that fire up and shoot at the Russians or
3 whoever. What do you call that?

4 MS. O'BRIEN: Missiles.

5 A. Yeah. They could shoot missiles out.

6 Q. And what type of waste came from there?

7 A. They brought in paint.
8 Q. What types of paint, do you remember?
9 A. Whatever they painted their vehicles with,
10 I suppose.
11 Q. Do you know what time frame that was?
12 A. It's only once in a while.
13 Q. By "once in a while," do you mean --
14 A. Somewhere between '56 and '65.
15 Q. And when you say "once in a while," do you
16 mean like once every two or three months?
17 A. A year or so. Once a year or so.
18 Q. Do you recall where -- how much paint they
19 would bring in?
20 A. No. A few barrels.
21 Q. Do you remember what size barrels?
22 A. 20-gallon drums.
23 Q. And how would the waste get to the burning
24 dump?

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1 A. Their Army trucks.
2 Q. Army trucks?

3 A. (No verbal response.)

4 Q. Do you recall anything else about the
5 waste from the Nike site?

6 A. No. That's about it.

7 Q. If you go a little bit further down to
8 Plastic Craft or Novelty Company, Inc.

9 MR. LAST: Deanna, did you ask about
10 Shpack? I didn't hear it.

11 Q. I may not have. Do you recall whether
12 there were any wastes from the Nike site going
13 over to the Shpack dump?

14 A. Not that I remember of.

15 Q. Do you recall the names of any of the
16 drivers?

17 A. No.

18 Q. Was your burning dump the closest dump to
19 Rehoboth, do you know?

20 A. It was closer to Rehoboth. It was closer
21 to Norton. It was closer to Seekonk. It was
22 closer to everywhere.

23 Q. So companies from Seekonk and Norton?

24 A. Well, the next town would dump in that



1 town. Most of the dumps were all open 24 hours a
2 day. So that if people are sure not going to
3 drive to Rehoboth, it's 11 miles away, when they
4 can drive a mile up the road and dump in the
5 Attleboro dump.

6 Q. Right. And that's why I was trying to
7 figure out why a site in Rehoboth would come to
8 Attleboro to dump. Was that -- was your burning
9 dump the closest dump to the site in Rehoboth?

10 A. Right.

11 Q. Yes. Okay.

12 If you go a little bit further down,
13 you see Wilfred Plante?

14 A. Yeah.

15 Q. And in parens it says "trucked Apco."

16 A. Apco Mossberg.

17 Q. I'm sorry, Apco was --

18 A. It was just finished -- they just finished
19 up a Superfund site over there. Cyanide site.

20 Q. Okay. I missed the name of the company,
21 though.

22 A. Apco Mossberg.

23 Q. Apco Mossberg. Okay.

24 So Apco waste came to your burning

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1 dump?

2 A. Yes.

3 Q. Do you recall what time frame that was?

4 A. '46 to '65.

5 Q. Do you recall what type of waste that was?

6 A. All office paper, sweepings of the floor.

7 Welding rods. Cyanide eggs every once in a while.

8 MR. LAST: Did he say cyanide eggs?

9 Q. How often would the cyanide eggs come in?

10 A. Well, every once in a while you were

11 drilling through, break up the cardboard and

12 stuff, you would run across them. You know, for

13 years every once in a while. It's like everything

14 else, you sweep the floor and that's what comes

15 up.

16 Q. Do you recall what type of welding rods

17 they were? Like what material?

18 A. Stick. Stick rods.

19 Q. How about the floor sweepings, was that
20 mainly metal or --

21 A. Yeah. Welding rods. You sweep them up
22 off the floor and that's it.

23 Q. How frequently would the Apco waste come
24 in?

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1 A. Well at one time they used to come with
2 their own truck, then eventually they hired this
3 fellow 'cause he worked there. It was at least
4 once a week.

5 Q. For the entire time frame from '46 to '65?

6 A. Yeah.

7 Q. Do you recall the names of any of the
8 other drivers?

9 A. No.

10 Q. And was that -- what type of truck did the
11 waste come in on? Was this a big dump truck or a
12 stake body truck?

13 A. Well, used to come in a pickup truck, but

14 then eventually it came in in a dump truck.

15 Q. Do you remember any liquid waste being

16 disposed of by Apco?

17 A. No.

18 Q. Do you know if Apco waste went to the

19 Shpack site?

20 A. No.

21 Q. No, they didn't go there or no --

22 A. No, they didn't go there.

23 Q. Can you think of any distinctive

24 characteristics about the Apco wastes?

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1 A. No.

2 Q. Nothing.

3 A. (No verbal response.)

4 Q. Now, let's go to Plastic Craft or Novelty

5 Company, Inc.

6 A. That's a misprint there. That cyanide

7 belongs with trucked Apco.

8 Q. The waste from Plastic Craft --

9 A. Yeah. They made plastic dishes.
10 Q. Plastic dishes?
11 A. Yeah.
12 Q. Do you recall when that waste was being
13 disposed of at the burning dump?
14 A. Every day they'd come in, empty their
15 cardboard barrels with reject dishes.
16 Q. And what time frame was that in, was that
17 '46 to '65?
18 A. Well, '56 to '65. I don't know about
19 before.
20 Q. Did Plastic Craft ever dispose of their
21 waste at the Shpack site that you know of?
22 A. No.
23 Q. Do you recall any liquid wastes coming in
24 from Plastic Craft?

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1 A. No.
2 Q. Do you recall any -- any empty powder or
3 bags?

4 A. No.

5 Q. Any powders of any sort?

6 A. No.

7 Q. Do you recall anything other than

8 cardboard boxes and reject dishes?

9 A. That's it.

10 Q. How did their waste get to the burning

11 dump?

12 A. They had their own panel truck.

13 Q. And do you recall who drove that?

14 A. A little old man. That's all I can

15 remember.

16 Q. How about the Robbins Company, on the next

17 page. Do you remember when they disposed of waste

18 at your burning dump?

19 A. Yeah.

20 Q. When would that be?

21 A. Well, '56 to '65 I can remember.

22 Q. Do you recall what their waste consisted

23 of?

24 A. All paper.

1 Q. Just paper?

2 A. Yeah.

3 Q. You can't remember anything other than
4 paper that Robbins brought in?

5 A. No.

6 Q. And how often would Robbins waste come in?

7 A. Every day.

8 Q. Was that brought in with one of their
9 trucks?

10 A. Their own truck. Yeah.

11 Q. Do you remember who the driver was?

12 A. A little old man. That's all I can
13 remember.

14 Q. Do you recall any floor sweepings, any
15 liquids?

16 A. No liquids.

17 Q. No floor sweepings either?

18 A. Well, naturally you're going to sweep up
19 the floors, but there was no metals or anything.

20 Q. Did the Robbins Company dispose of waste
21 at the Shpack dump?

22 A. No.

23 MR. BRASK: I'd like to object to this

24 line of questioning. My name is David Brask.

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1 You're asking a lot of questions here on a dump
2 that has nothing to do with the Shpack landfill.

3 MS. CHANG: Well, we're trying to find
4 out whether it does or not. So your objection --

5 MR. BRASK: Well, your question is off
6 limits, you know. If it had something to do with
7 it. Save some time. They've got information here
8 that's not necessary.

9 MS. CHANG: Well, the burning dump is
10 a part of the Shpack site so if there were --

11 MR. BRASK: 3.4 acres, I guess.
12 Whatever it is. But not the 65 acres.

13 MR. WEISBERG: Can we take a break?
14 Maybe that's a good time.

15 MS. CHANG: Sure.

16 (A luncheon recess was taken.)

17 Q. All right. Mr. Dumont, we're going to
18 take up this list of companies again. I

19 apologize. This is a little tedious, but we'll
20 get through it.

21 The Town of Seekonk, do you recall
22 that the Town of Seekonk disposed of waste on
23 your -- on the burning dump?

24 A. Let's see, you're talking -- you're

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1 talking '56.

2 Q. Well, at any time.

3 MS. O'BRIEN: Can you speak up a
4 little bit, Al.

5 A. Yes.

6 Q. Do you recall what time frame that was?

7 A. I don't know. Maybe about three years.

8 Q. Do you know during what years?

9 A. No, I don't remember.

10 Q. Was it prior to the burning dump closing
11 in 1965?

12 A. Yeah.

13 Q. Do you recall what their waste consisted
14 of?

15 A. Just household rubbish.
16 Q. From residences only?
17 A. Yep.
18 Q. Do you recall who brought the waste from
19 Seekonk in?
20 A. Yes.
21 Q. Who was that?
22 A. Goditt & Boyer.
23 Q. Was it any particular driver that you
24 remember?

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1 MR. SHERMAN: Could you read the last
2 answer back? We can't hear it.
3 (Last answer was read back by the reporter.)
4 Q. Do you recall any particular drivers for
5 Goditt & Boyer?
6 A. No.
7 Q. Do you recall how often waste from the
8 Town of Seekonk would come in?
9 A. Maybe one load a day.

- 10 Q. And was that just in a -- loose in a
11 garbage truck?
12 A. A stake body truck.
13 Q. Stake body truck?
14 A. Yeah.
15 Q. Anything unusual about the Seekonk waste
16 that you recall?
17 A. No.
18 Q. Was waste from the Town of Seekonk ever
19 disposed of at the Shpack dump?
20 A. No.
21 Q. How about St. Regis Paper, on page 11, do
22 you remember that company?
23 A. You already went through that one.
24 Q. Is that the same one we were talking

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- 1 about, Sisalkraft?
2 A. Right.
3 Q. Sisalkraft and St. Regis were --
4 A. The same one.
5 MR. LAST: Deanna, did you finish

6 Robbins? I can't recall. Because that's what we
7 were talking about at the break. Had you finished
8 your inquiry?

9 MS. CHANG: I thought I had.

10 MR. LAST: I didn't think you finished
11 the last questions about was it Shpack only and --

12 MS. CHANG: I'll ask again.

13 Q. Did the Robbins company dispose of waste
14 material at the Shpack dump?

15 A. No.

16 Q. How about Teknor Apex?

17 A. You already went through that one.

18 MR. LAST: We did? Who was that?

19 Q. Well, yeah. What company did we go
20 through that with? Was that Thompson Chemical?

21 A. Yeah.

22 Q. All right.

23 Now, Texas Instruments, there's a
24 little bit -- I know we talked about them a bit

1 already, but the radiological material that was
2 disposed of --

3 A. Yeah.

4 Q. I believe you testified earlier that it
5 came from Metals & Controls, is that correct? Is
6 it your understanding?

7 A. Well, it was Metals & Controls nuclear
8 division. That's a different truck.

9 Q. That's a different -- different truck --

10 A. Yeah.

11 Q. -- from the Metals & Controls regular
12 truck.

13 A. Right.

14 Q. And it was your understanding that Metals
15 & Controls nuclear division was disposing of waste
16 materials at the Shpack dump, correct?

17 MR. LEIFER: Objection as to form.

18 A. Right.

19 Q. Do you recall what time period Metals &
20 Controls nuclear division was disposing of
21 materials at the Shpack dump?

22 MR. LEIFER: Same objection.

23 MS. O'BRIEN: You can answer anyway.
24 If you know.



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1 A. They had a brand-new truck. So it was a
2 '58 Chevrolet.

3 Q. Do you recall how long Metals & Controls
4 nuclear division disposed of waste at the Shpack
5 dump?

6 MR. LEIFER: Objection as to form.

7 A. I don't remember when it ended.

8 Q. Do you recall how often that truck would
9 go to Shpack?

10 MR. LEIFER: Same objection.

11 A. At least once a day.

12 Q. And do you recall who the driver was?

13 A. Al Amancio (phonetic) and Joe Carr. They
14 died.

15 Q. Both of them?

16 A. (No verbal response.)

17 MR. AGNELLO: What was the answer to
18 that?

19 MS. O'BRIEN: He nodded that yes, they
20 were dead.

21 MR. AGNELLO: Is he going to say it on

22 the record?

23 Q. Are they dead?

24 A. Yes.

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1 MR. AGNELLO: Thank you.

2 Q. Were there any other drivers that you

3 recall for M&C nuclear division?

4 A. No.

5 Q. Do you know -- did anybody tell you that

6 there was radiological material being disposed of?

7 A. No.

8 MR. LEIFER: Objection as to form.

9 Q. Had you -- was it your understanding that

10 there was uranium being disposed of at the Shpack

11 dump?

12 MS. O'BRIEN: Objection.

13 MR. LEIFER: Objection.

14 A. No.

15 Q. Did you have any knowledge that radium was

16 being disposed of at the Shpack dump?

17 A. No.

18 Q. Do you know how the wastes from the Metals
19 & Controls nuclear division were packaged when
20 they came into the Shpack dump? Were they in
21 barrels, do you know?

22 MR. LEIFER: Objection as to form.

23 A. Well, from what I saw, most of the time I
24 didn't see them dumping. Probably saw them once

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1 in a great while. Like I told you before, I
2 didn't -- I didn't go over there unless I almost
3 had a special invitation.

4 Q. Do you recall seeing any metal drums with
5 Metals & Controls written on them?

6 A. No.

7 Q. Do you recall seeing any metal drums with
8 Texas Instruments written on it?

9 A. No.

10 Q. Do you recall any distinctive
11 characteristics about the waste that would come in

12 from Metals & Controls?

13 A. No.

14 Q. How about Eastern Case Parts? Are you
15 familiar with that company?

16 A. Yes.

17 Q. Was waste from Eastern Case Parts disposed
18 of at the burning dump?

19 A. Yes.

20 Q. Do you recall what time period that was?

21 A. '56 to, I don't know, '63, '64. Somewhere
22 in that neighborhood.

23 Q. Do you recall what type of waste that was?

24 A. Mostly just chips of steel. Like hinges

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1 and stuff.

2 Q. Anything else that you can remember?

3 A. That was about it.

4 Q. No liquids that you recall?

5 A. I never saw any.

6 Q. And how did the waste from Eastern Case

7 Products (sic) come in? Was that your own truck?

8 A. Their own truck.

9 Q. Do you recall who drove for them?

10 A. I don't know.

11 Q. And how frequently would they come to the
12 burning dump?

13 A. Probably once a week.

14 Q. Anything else you remember about their
15 waste?

16 A. No.

17 Q. How about Glines & Rhodes?

18 MR. LAST: Did you ask him about
19 Shpack?

20 MS. CHANG: Oh, probably not. Thank
21 you.

22 A. They weren't in business then.

23 Q. Okay. This is Glines & Rhodes?

24 A. (No verbal response.)

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1 Q. I messed up. I need to go back to Eastern
2 Case Parts for one second and ask you whether

3 Eastern Case Parts ever disposed of material on
4 the Shpack -- at the Shpack dump.

5 A. No.

6 Q. Glines & Rhodes you just said was not in
7 business at that time?

8 A. No.

9 Q. Do you recall when Glines & Rhodes went
10 into business?

11 A. I don't know.

12 Q. So was this before or after the burning
13 dump closed?

14 A. It had to be after.

15 Q. To your knowledge did Glines & Rhodes
16 dispose of any waste material at the Shpack dump?

17 A. No.

18 Q. Guyot Brothers?

19 A. Who?

20 Q. Guyot Brothers?

21 A. Guyot.

22 Q. Okay. Guyot Brothers. They disposed of
23 materials at your burning dump?

24 A. Guyot. What page have you got on there?



1 Q. This is off a different list. I think
2 we -- I think we talked about them a little bit
3 earlier, though.

4 A. Is that Prairie Avenue?

5 Q. Huh?

6 A. Is that Prairie Avenue?

7 Q. I don't know.

8 A. On Williams Street? Guyot.

9 Q. I have no address.

10 A. No. Guyot is John Williams Street.

11 Q. Did they dispose of waste at your burning
12 dump?

13 A. Yes.

14 Q. What type of business were they in, do you
15 recall?

16 A. I don't know. All I know is they -- they
17 disposed of regular rubbish. Papers and stuff.

18 Q. Do you recall anything other than papers?

19 A. No. Cardboard boxes and stuff.

20 Q. No liquids that you recall?

21 A. No.

22 Q. No metal shavings?

23 A. Not that I recall.

24 Q. No waste oil that you recall?

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1 A. No.

2 Q. And do you recall what time frame they --
3 their waste was coming into the burning dump?

4 A. Somewhere between '56 and '65.

5 Q. And do you know for how long?

6 A. I don't know.

7 Q. And how frequently would they come to the
8 dump?

9 A. I really couldn't tell you. See.

10 Q. More than once a month?

11 A. I wasn't there all the time. I wouldn't
12 get there in the morning until 9:00, 9:30. I had
13 to go sell my salvage and then I left at 4:30 to
14 go to work at night. So, you know, I wasn't
15 always there.

16 Q. And --

17 A. I wasn't there on Sundays. If it was too

18 hot for the flames, sometimes I'd leave on

19 Saturday afternoon, go to the beach.

20 Q. And people would -- could just come in and

21 dump whether you were there or not?

22 A. Well, I lined it out with tires so that

23 they always dumped in a certain area today,

24 another area tomorrow. I would line it out with

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1 tires. If they filled that place up, those tires

2 would burn. Then I had to get some new tires to

3 put -- so the people knew where to dump.

4 Q. And where would you get the tires from?

5 A. All the -- all the stations in town.

6 Q. The gas stations and service stations?

7 A. Right.

8 Q. And all the different locations that you

9 marked for people to fill in, they were all within

10 this --

11 A. Off the road.

12 Q. Off the road. Here?

13 A. Yeah.

14 Q. And none of it was beyond this red fence
15 line here?

16 A. No.

17 MR. AGNELLO: Is that the western line
18 that you were pointing to?

19 MS. CHANG: Yeah. The western line.
20 I guess that's southwest.

21 Q. And you -- did Guyot Brothers dispose of
22 waste at the Shpack dump?

23 A. No.

24 Q. The Marathon Company. Do you recall them?

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1 A. Yeah.

2 Q. Did they dispose of waste at your dump?

3 A. Yes.

4 Q. Do you recall what time period that was
5 in?

6 A. Well, during that period of time.

7 Q. Between 1956 and '65?

8 A. Right.

9 Q. Do you recall what their waste consisted
10 of?

11 A. Just regular rubbish.

12 Q. Regular rubbish?

13 A. Papers and cardboard.

14 Q. Do you recall any metal grindings?

15 A. No, I don't.

16 Q. Do you recall any liquids?

17 A. No.

18 Q. Any oils?

19 A. No.

20 Q. How did their waste come in? Did they --

21 A. Pickup truck.

22 Q. Was it their own pickup truck?

23 A. Yes.

24 Q. Do you recall who drove for them?

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1 A. I don't know.

2 Q. And how frequently would they come to the
3 dump?

4 A. I really don't remember. Off and on, but
5 I don't remember.
6 Q. Did they dump at the Shpack dump as well?
7 A. No.
8 Q. R.F. Simmons Company. Do you recall them?
9 A. Yes.
10 Q. Did they also dump at the burning dump?
11 A. Yes.
12 Q. Do you know what their line of business
13 was? What they made?
14 A. Like everybody else, jewelry.
15 Q. Jewelry?
16 Do you recall what their waste
17 consisted of?
18 A. Cardboard and paper.
19 Q. You don't recall any metals?
20 A. No.
21 Q. No polishing compounds?
22 A. Not that I remember.
23 Q. No liquids?
24 A. No liquids.

1 Q. And what time period was that?

2 A. '56 to '65.

3 Q. During the whole time or a portion of
4 years in there?

5 A. Well, sometimes you didn't see them for a
6 long time. I saw the truck at times, but I can't
7 say that I saw them for a couple of years after or
8 whatever.

9 Q. So they weren't a regular customer that
10 whole period.

11 A. No. Everybody was the same way. They'd
12 clean up and then they wouldn't come for a week or
13 two weeks.

14 Q. And did their waste come in their own
15 truck?

16 A. Which one was that now?

17 Q. Oh, I'm sorry. R.F. Simmons.

18 A. Yes. That was their own truck.

19 Q. Do you recall who drove for them?

20 A. No.

21 Q. Do you know whether they or did they
22 dispose of their waste at the Shpack dump?

23 A. No.

24 Q. Reliable Electro Plating. Do you recall

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1 that company?

2 A. I remember it. Yeah.

3 Q. Do you remember whether they disposed of
4 waste on your -- at your burning dump?

5 A. Don't remember that one.

6 Q. Do you recall whether Reliable Electro
7 Plating disposed of waste at Shpack?

8 A. Small trucks did not go into the Shpack
9 dump.

10 Q. And Reliable had a small truck?

11 A. From what I remember.

12 Q. Do you recall who drove for them?

13 A. No.

14 Q. Are you familiar with the Sterndent
15 Corporation?

16 A. Rings a bell.

17 MR. SHERMAN: Could you spell that,
18 please.

19 A. Rings a bell. What page is that on?

20 MR. SHERMAN: The question. I didn't
21 hear the question.

22 MS. CHANG: Sterndent,
23 S-T-E-R-N-D-E-N-T.

24 A. Didn't they buy out Leach & Garner?

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1 Leach?

2 Q. I don't know.

3 MS. CHANG: Mike, do you know?

4 A. Sterns and Leach. Yeah.

5 MR. LEIFER: Go off the record.

6 (A discussion was held off the record.)

7 Q. So your understanding is that Sterndent
8 merged with Leach & Garner or was the same company
9 somehow?

10 A. Right.

11 Q. Do you know when that happened?

12 A. No, I don't.

13 Q. And I think we already talked about Leach
14 & Garner, didn't we?

15 A. Yes.

16 Q. Was Leach & Garner Sterndent before
17 dumping at the burning dump stopped in 1965, or
18 was it still Leach & Garner then?

19 A. Let's see. It was still Leach & Garner
20 then.

21 Q. The Town of Norton. Do you recall whether
22 Norton ever dumped at your burning dump?

23 A. Well, it was -- there was a cousin of mine
24 in the rubbish business and he picked house to

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1 house. That was in '47, but he went out of
2 business because people didn't believe that it
3 cost money to get rid of rubbish.

4 Q. And those were houses in Norton that he
5 collected from?

6 A. Yes.

7 Q. Do you recall the -- any Town of Norton
8 trucks disposing of waste from Norton in your
9 dump?

10 A. Not -- not to say waste, no.

11 Q. Do you remember trucks from the Town of

12 Norton disposing of any material at your dump?

13 A. Only what they picked up alongside the

14 roads.

15 Q. What would that be?

16 A. Whatever people threw for rubbish

17 alongside the roads.

18 Q. And the town would pick that up and bring

19 it to your burning dump?

20 A. Whichever was closer. If the town dump on

21 Hill Street was closer, they'd go there. If my

22 place was closer, they'd go there.

23 Q. How frequently would the Norton trucks

24 bring materials to your place?

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1 A. Maybe once a week.

2 Q. Do you recall any drivers in particular?

3 A. No.

4 Q. Do you recall any specific items that they

5 brought?

6 A. No.

7 Q. Do you recall whether they ever brought in
8 any barrels of liquids?

9 A. No.

10 Q. Any drums of stuff?

11 A. No.

12 Q. Was it primarily residential --

13 A. Sofas. Anything bulky they could throw on
14 the side of the road.

15 Q. Did the Town of Norton ever dispose of
16 items at Shpack that you know of?

17 A. Not that I remember seeing.

18 Q. How about the U.S. Army Reserves? Do you
19 know that -- do you have any recollection of them
20 disposing of waste at your --

21 A. Only pallets that I can remember.

22 Q. Only pallets?

23 A. Yeah.

24 Q. Were those wooden pallets?

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1 A. Yes.

2 Q. During what time frame?

3 A. Maybe '57 to '65 or '58 to '65.

4 Q. Was that in connection with the Nike site

5 or --

6 A. No.

7 Q. Do you know where they came from?

8 A. John Williams Street, Attleboro.

9 Q. Do you recall anything other than wooden
10 pallets that were disposed of?

11 A. No.

12 Q. Did any of their waste go to the Shpack
13 dump?

14 A. No.

15 Q. Let's see if we have any more companies.

16 What about Augat? Are you familiar
17 with them? With that company?

18 A. Yes.

19 Q. Did Augat dispose of waste at the burning
20 dump?

21 A. No.

22 Q. No?

23 A. (No verbal response.)

24 Q. Do you know whether -- or did Augat



1 dispose of waste at the Shpack dump?

2 A. No.

3 Q. Are you familiar with Thomas & Betts
4 Company?

5 A. Rings a bell.

6 Q. Do you know if they were in business
7 during the time that the burning dump was
8 operating?

9 A. I'm just trying to think where they would
10 be. Thomas & Betts.

11 MS. MIGNONE: I'm sorry, I didn't hear
12 the answer.

13 MS. O'BRIEN: He's trying to think
14 where they would be located.

15 A. Doesn't ring a bell.

16 Q. Can you think of any companies that we
17 haven't talked about that were dumping on -- on
18 your part of the burning dump from the beginning,
19 1946 through until '65?

20 A. No.

21 Q. Anyone else that was dumping at Shpack
22 that you can think of?

23 A. No.

24 Q. Now, there's a bunch of other companies

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1 that are on this Exhibit 2, this list of
2 individuals and entities that brought waste to the
3 site. Is it fair to say that you have no reason
4 to believe that any of this information has --
5 well, let me back up.

6 Is it fair to say that it is still
7 your belief that these people, these companies on
8 this list brought waste to the site?

9 MS. O'BRIEN: I object to the form of
10 the question.

11 Q. Is this list accurate to your knowledge
12 still?

13 A. Yeah.

14 Q. So if they're on here, then to the best of
15 your recollection now they disposed of waste at

16 the site. Correct?

17 MS. O'BRIEN: Object to the form.

18 THE WITNESS: Huh?

19 MS. O'BRIEN: I was objecting to the
20 way that she asked the question. Could you just
21 either repeat it or rephrase it so that you're not
22 stating the answer in your question?

23 Q. Maybe.

24 A. Let's see. Out of the whole bunch you

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1 probably got three still in business.

2 Q. Yeah.

3 A. They're all out of business. There's only
4 two on that list that are in business. Everybody
5 is out of business.

6 MS. O'BRIEN: Are you talking about
7 the whole list, Al, or the first page that you're
8 looking at?

9 THE WITNESS: The first page.
10 Everybody is out of business.

11 Q. What two are still in business?

12 A. Everybody is out of business. Only
13 American Sisalkraft and --

14 MS. O'BRIEN: Wait until she asks a
15 question.

16 Q. Well, I asked which two are still in
17 business.

18 MS. O'BRIEN: Oh, I'm sorry.

19 A. Really there's only one, American
20 Sisalkraft.

21 MR. KREIGER: I'm sorry, it's hard to
22 hear. Is the witness talking about the whole list
23 now or the --

24 MS. O'BRIEN: The first page.

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1 THE WITNESS: First page.

2 Q. If you turn to page two of the list, and
3 if you would look through that page and see if
4 there's anybody on that list who we've not already
5 spoken about, who brought waste to the burning
6 dump or to the Shpack dump on a regular basis.

7 A. Attleboro Refinery is out of business.

8 There's only two. City of Attleboro and Apex.

9 They're the only people left in business. On page
10 two.

11 Q. Okay.

12 MR. WEISBERG: But, Deanna, wasn't the
13 question whether they brought waste, not whether
14 they were in business?

15 MS. CHANG: Yes.

16 Q. So -- but of the list of companies on page
17 two, are there any that we haven't spoken about
18 who brought waste to the -- to either dump on a
19 regular basis?

20 A. Come again now?

21 Q. The companies on page two.

22 A. Right.

23 Q. Aside from the ones that we've already
24 talked about, are there anybody -- any other

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1 companies that brought wastes to either your
2 burning dump or the Shpack dump on a regular

3 basis?

4 MR. KREIGER: And do you mean
5 regardless of whether they're still in business?

6 MS. CHANG: Yes.

7 A. Whether or not they're still in business.

8 Q. Uh-huh.

9 A. Well, everybody brought rubbish, but like
10 I say, what do you got in business? One, two.

11 MS. O'BRIEN: Can you just repeat what
12 you just said?

13 A. They all came to the dump, Plainville
14 Coal. Everybody emptied. Plainville Coal, they
15 emptied their vacuum cleaners. Cleaning boilers.

16 Q. How often would Attleboro Plainville Coal
17 come?

18 A. Once a day.

19 Q. And that would be to your burning dump?

20 A. Yeah.

21 MS. CHANG: Can you mark this
22 Exhibit 3, please.

23 (Exhibit 3, was marked for
24 identification)



1 Q. I'll pass you Exhibit 3 so you can start
2 looking at it. It probably looks familiar. Does
3 this exhibit look familiar?

4 A. This one does. I don't know what you got
5 here.

6 Q. Yeah. The copies are pretty bad. Does
7 this look like pages from a scrapbook that you
8 keep relating to the dump?

9 A. Yeah.

10 Q. On page one, if you look at that top
11 picture there, you really can't see at all on --
12 do you -- do you remember that picture and do you
13 know, is that you on the bulldozer?

14 A. It looks like me, yeah.

15 Q. Do you remember what time frame that was?

16 A. It was probably the last day of burning.

17 Q. Whose bulldozer was that?

18 A. Mine.

19 Q. It was --

20 A. Mine.

21 Q. It was owned by you?

22 A. Well, it came -- it was still owned by the
23 guy that sold it to me.
24 Q. You were making payments on it or

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1 something?
2 A. Yeah.
3 Q. If you turn to the next page, there's an
4 article there, it says, "People made ill by dump
5 fumes." Do you see where I am? Do you recall
6 when this article was published?
7 A. Well, I guess it was about the time that I
8 got sick. About the time that I got sick, I
9 guess.
10 Q. When was that?
11 A. '58 or '59 maybe.
12 Q. Is that the only time you got sick from --
13 what did you get sick from?
14 A. Carbon monoxide poisoning.
15 Q. Do you recall from what?
16 A. From smoke.
17 Q. From any -- any particular waste?

18 A. Well, everything that was burning.

19 Q. Do you recall whether there was any
20 specific company's waste that was burning at that
21 time?

22 A. No.

23 Q. If you read down a little bit under the
24 violations heading in that article, right in

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1 there, there's a reference to the fact that the
2 firm has been placing plastic wastes, rubber dust,
3 highly inflammable and toxic fumes from outside
4 the city limits. Do you see where that is?

5 A. Yeah. Well, the place was open 24 hours a
6 day, seven days a week.

7 Q. Do you recall whose plastic wastes or
8 where plastic waste was coming from?

9 A. Everywhere.

10 Q. Everywhere.

11 A. Everybody was throwing plastic away.

12 Q. Do you recall any companies in particular

13 that had a large amount of plastic that was being
14 disposed of at your dump?

15 A. It was all the daily rubbish that was
16 being burnt.

17 Q. Any companies in particular who were
18 disposing a large quantity of plastic at your
19 dump?

20 A. Well, American Sisalkraft made a lot of
21 black smoke, you know, all this rubbish burning,
22 you know. Plus everything else that was burning,
23 so that you can't just blame one person.

24 Q. Well, we don't -- we're not trying to

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1 blame one person. But we are trying to figure out
2 whose waste was there.

3 Do you recall what the black smoke
4 from Sisalkraft was from?

5 A. Well, when you burnt the reinforced paper
6 and...

7 Q. Do you know what the reinforced paper was
8 reinforced with?

9 A. Asphalt.

10 Q. Do you recall wastes from any other
11 company creating black smoke?

12 A. Well, you had all the tires being dumped.
13 All the tires are being dumped from all the
14 garages. Everything had to be burnt. Sometimes a
15 guy would clean up his yard, 50 tires or a hundred
16 tires and that all went up in flames.

17 Q. What about rubber dust? Do you recall any
18 companies that were bringing rubber dust to the
19 burning dump?

20 A. Well, you had a tire shop that was capping
21 tires.

22 Q. Was who?

23 A. A tire shop that was capping tires, you
24 know.

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1 Q. Any other companies that you can think of?

2 A. No.

3 Q. Do you recall companies from Seekonk that

4 were disposing of waste at the burning dump?

5 A. Only Thompson Chemical with pallets.

6 Q. And no other companies that you can think
7 of?

8 A. No.

9 Q. How about companies from Pawtucket that
10 were disposing of waste at your dump?

11 A. I never investigated who -- where anybody
12 was bringing the rubbish because I took my orders
13 from the mayor. What he had written down and what
14 I was told is two different things.

15 Q. What do you mean by that?

16 A. I was not supposed to find out. In other
17 words, who was dumping all night long and who
18 was -- wasn't dumping and whatever was going on.
19 I took my orders from the mayor and he came down
20 the dump after every funeral to make sure that I
21 wasn't stopping anybody.

22 Q. After every funeral?

23 A. Mayor Brennan went to every funeral in
24 Attleboro, and he always, always checked up on the

1 dump.

2 Q. And so he -- he told you to accept
3 anybody's waste?

4 A. To accept everything that comes through
5 that gate.

6 Q. Do you recall any companies in particular
7 from Pawtucket that disposed of their waste --

8 A. No.

9 Q. -- at your dump?

10 A. Maybe Apex, they dumped some pallets and
11 stuff, but I don't know if it was Apex truck or
12 Thompson Chemical truck, but they were all the
13 same company.

14 Q. And you recall only pallets?

15 A. Yeah.

16 Q. Anything on the pallets? Any dust on the
17 pallets? Any --

18 A. Not enough to amount to anything.

19 Q. I'm sorry?

20 A. Not enough to amount to anything. I mean,
21 you had cardboard stapled to pallets. Everything
22 burnt right up.

23 Q. The first paragraph of that article, it

24 sounds like it's one company in Attleboro whose

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1 waste was a problem. Do you know if that's -- at
2 this time that was making people sick? Do you
3 know if that's correct?

4 MS. O'BRIEN: Object to the form. I
5 just objected to the form of the question because
6 I didn't quite understand it. I don't know if you
7 did.

8 A. Well, you had a number of -- let's see.
9 In '50, was it from the Attleboro dump or the
10 Shpack dump? See, a lot of this stuff I never
11 read before because everything comes out in the
12 Sun Chronicle was all bullshit.

13 Q. So you clipped the -- did you clip these
14 articles yourself?

15 A. Yes.

16 Q. And you clipped them just because they
17 referenced your burning dump?

18 MS. O'BRIEN: Objection.

19 A. Yeah.

20 Q. Do you recall whether this particular
21 article was in reference to one particular
22 company's wastes?

23 A. Well, no. You had L.W. Fontaine. You had
24 Goditt & Boyer, which had packers so that the

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1 packer would have compacted rubbish. So when you
2 burnt it, you know, it just didn't burn like it
3 used to when you had all small trucks. So some of
4 these loads would smolder and burn sometimes for
5 four or five days, a week. If you had a small
6 load out of a pickup truck it would probably burn
7 up in ten minutes.

8 Q. In this first paragraph, though, it says
9 resulting from the alleged dumping of material by
10 an Attleboro firm. Do you know what material or
11 what Attleboro firm is being referred to?

12 A. Well, you had Fontaine, L.W. Fontaine.
13 You had Goditt & Boyer. Then you had -- I don't
14 know, was Douglas removed -- Balfour had a rubbish

15 packer.

16 Q. Balfour?

17 A. Yeah. There was a half a dozen rubbish
18 packers in town, so that they'd only come to the
19 dump when their truck was full. It was compacted
20 tight.

21 Q. Do you recall warning companies from
22 outside of Attleboro not to bring their waste to
23 your burning dump?

24 A. No.

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1 Q. Do you recall requesting that Chief
2 Marron, Marron, investigate illegal dumping?

3 A. I don't believe I ever talked to Chief
4 Marron. I only talked to the mayor. Mayor and
5 the health inspector.

6 Q. Do you recall ever requesting -- making a
7 request to the mayor that illegal dumping be
8 investigated at your dump?

9 A. Not face to face I didn't.

10 Q. Do you recall any telephone calls or
11 letters that you may have written to the mayor
12 requesting an investigation into illegal dumping?

13 A. I might have talked to the mayor and he
14 says, "You will not investigate anybody. You will
15 let everybody dump into that dump."

16 Q. Do you recall the names of any of the
17 companies that you believed were dumping
18 illegally?

19 A. No.

20 Q. Do you remember any of the wastes that you
21 thought had been dumped illegally?

22 A. I never checked up on anything.

23 Q. The next clipping down, "Police Check
24 Three Trucks At City Dump."

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1 A. Uh-huh.

2 Q. Do you recall when that happened?

3 A. I don't, no.

4 Q. An approximate time frame at all? No?

5 A. (No verbal response.)

6 Q. The article --

7 A. They probably checked them when I wasn't
8 there. I don't know.

9 Q. Do you recall that -- any citations were
10 issued for dumping in violation of regulations at
11 your burning dump?

12 A. No.

13 Q. You have no recollection at all of that?

14 A. No.

15 Q. Do you know whose trucks had been checked
16 at the dump --

17 A. No.

18 Q. -- at the time of this article?

19 A. No.

20 Q. Never heard any rumors about somebody
21 getting checked at your place?

22 A. No.

23 MS. O'BRIEN: Objection.

24 A. No.

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1 Q. The city eventually passed an ordinance,
2 right, limiting dumping to residents of Attleboro
3 only, is that correct?

4 A. That was probably after the -- after the
5 dump moved to Olive Street.

6 Q. So when you were dump caretaker, there was
7 no ordinance or anything saying that you had to be
8 an Attleboro resident to dump there?

9 A. Maybe there was -- maybe there was
10 something in my contract, but that's not the way I
11 followed my orders.

12 Q. So it may have been written but --

13 A. Right.

14 Q. -- it was not enforced.

15 Let's move on to the next page. And
16 the article on the left, "City Dump Reopens,
17 Custodian Issues Warning," it's dated July 3rd,
18 1963. Do you recall when the dump had to be
19 closed because there was too much garbage in front
20 of the gate?

21 MS. O'BRIEN: Objection. First of
22 all, where do you see the date?

23 MS. CHANG: Up top. Somewhere in
24 there.



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1 MS. O'BRIEN: There isn't one on this
2 copy.

3 MS. CHANG: Oh, did it get cut off?

4 MS. O'BRIEN: Do you want us to write
5 it on here since this is the exhibit to the
6 deposition or do you want to write it on based
7 on --

8 MS. CHANG: Well, let's just -- let's
9 not use it then. I mean, if the exhibit doesn't
10 have it then --

11 MR. WEISBERG: You can stipulate.

12 MR. LAST: They can write it on or
13 stipulate.

14 MS. O'BRIEN: Perhaps you can ask if
15 he knows when that article was written or show him
16 that one.

17 A. Yeah.

18 Q. Well, the question that was pending was,
19 do you recall when the city dump had to close
20 because there was refuse in front of or too much

21 refuse at the gate?

22 A. Well, it wasn't really closed because
23 there was no gate. Their bulldozer -- the city's
24 bulldozer just broke down and there was nobody

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1 left to push the rubbish.

2 MS. CHANG: Maybe we can just
3 substitute this page with the date on it. Can we
4 do that?

5 MR. AGNELLO: Or mark it separately.

6 MS. CHANG: I'm sorry?

7 MS. AGNELLO: You can mark it
8 separately.

9 Q. So there was no gate.

10 A. No.

11 Q. What -- do you know what this article is
12 referring to then when it says that refuse was
13 piled up to the gate?

14 A. Yeah. It was filled right out to the
15 street.

16 Q. So you just -- some people couldn't get in
17 at --

18 A. Well, there might have been a little bit
19 of fence left, but not much of anything.

20 Q. And is this July 1963 time frame accurate
21 as far as you recall?

22 A. Yeah.

23 Q. Did it happen any time prior to that?

24 A. I don't believe so.

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1 Q. The article references the fact that many
2 people from outside of Attleboro, from as far away
3 as Woonsocket and Pawtucket dump items at the
4 Union Road site.

5 A. Possibly could've been.

6 Q. Do you recall whether -- do you recall any
7 specific people from outside of Attleboro --

8 A. No.

9 Q. -- from Woonsocket or Pawtucket dumping --

10 A. No.

11 Q. -- during that time frame?

12 Do you recall how often the city was
13 supposed to bulldoze the dump and keep it clear?
14 A. Every Saturday.
15 Q. Every Saturday? Just once a week?
16 A. Yes.
17 Q. And was that a city worker who did that or
18 did they --
19 A. Yes.
20 Q. Did they ever contract that out to your
21 knowledge?
22 A. Not at that time.
23 Q. At what time did they contract it out?
24 A. Must have been 1964.

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1 Q. And who did they contract it out to?
2 A. To Goditt & Boyer.
3 Q. Who was the bulldozer driver --
4 A. Me.
5 Q. -- for the city?
6 A. Oh, for the city?

7 Q. Yeah.

8 A. Five or six of them.

9 Q. Do you recall any of their names?

10 A. They're all dead.

11 Q. All dead? And you were the driver for

12 Goditt & Boyer?

13 A. Yes.

14 Q. Were you employed by Goditt & Boyer?

15 A. Not employee, no.

16 Q. Just contract --

17 A. Paid to do the job.

18 Q. Was it a Goditt & Boyer bulldozer that was

19 up at the site?

20 A. Well, it was more or less mine.

21 Q. If you look at the next article over,

22 "City Dump Overflows," is that the same time frame

23 as far as you recall?

24 A. Somewhere around there, yes.

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1 Q. The fourth paragraph down says that "a

2 private contractor from Seekonk has been seen

3 dumping at the Union Rd. site." Do you have any
4 recollection of that?

5 A. There was -- there was a rubbish packer
6 from Rehoboth -- there was a rubbish packer
7 from -- probably from Seekonk. It was either
8 Seekonk or Rehoboth.

9 Q. Do you remember the names of the --

10 A. No.

11 Q. -- trucks?

12 A. I don't.

13 Q. Do you remember whose waste they brought
14 in?

15 A. I don't.

16 Q. How about the next page? The article
17 entitled, "100 Norton Residents Ask City to Act,"
18 do you recall what time frame this article was
19 written in?

20 A. Must have been about '64, '65.

21 Q. Is that when Norton residents first
22 started complaining about the smoke from the dump?

23 A. Well, they'd been complaining for 50 years
24 probably.



1 Q. For 50 years?

2 A. Well, I don't know. Since the day it
3 started.

4 Q. They did.

5 A. Yeah.

6 Q. And around 1964 or 1965 is when it got
7 really bad or what happened during that time frame
8 that --

9 A. Just got to the point where it was time to
10 do something. Time to find a new way to operate.

11 Q. And is that the first time that anybody
12 sued you and tried to shut down the landfill?

13 A. Nobody ever sued me.

14 Q. Or the -- the city? Did anybody try to
15 shut down the landfill before 1964-ish?

16 A. No.

17 Q. If you go down, about halfway down under
18 the "Lines Started" --

19 A. Yeah.

20 Q. -- in that article, it says that "smoke
21 deposits from the dump on two occasions shorted

22 out 115,000-volt high transmission lines near the
23 dump." Do you recall that?
24 A. Yes.

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↑

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1 Q. Do you recall what -- was there a certain
2 waste that was being burned at that time that
3 created that smoke?

4 A. It was carbon from the smoke.

5 Q. I mean, was it any particular type of
6 waste, though, that created an excess amount of
7 carbon?

8 A. Well, tires. Now they tell me that it was
9 the aluminum paper that ignited, the carbon
10 somehow or other, but I think aluminum paper would
11 shard out a, you know, would be any build-up. But
12 anyway, it was to do with carbon.

13 Q. Who -- who was disposing of aluminum paper
14 at your dump?

15 A. St. Regis Paper. Sisalkraft then, wasn't
16 it?

17 Q. Anybody else disposing of aluminum paper

18 there?

19 A. No.

20 Q. You said they told you that it was the
21 aluminum paper.

22 A. Right.

23 Q. Who is "they," do you remember?

24 A. Mass Electric.

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↑

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1 Q. If you go over to the third column there
2 at the very end, the last two paragraphs up it
3 says that Harvey instructed you to excavate a pit
4 for industrial and chemical waste disposal. Do
5 you recall that?

6 A. I don't remember, but whatever it says I
7 would go along with it, I suppose.

8 Q. You don't recall digging a pit for
9 chemical waste disposal?

10 A. No.

11 Q. Do you recall doing anything different
12 with chemical or industrial wastes?

13 A. No.

14 Q. Do you recall accepting chemical or
15 industrial wastes?

16 A. Other than a couple of the companies, I
17 never accepted any liquid waste.

18 Q. And what were those companies that you
19 accepted liquid waste from?

20 A. Well, there was only the two that came in
21 while I was there.

22 Q. Which were?

23 A. Montrose and one other one. Attleboro
24 Refinery.

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↑

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1 Q. Do you know if Mr. Shpack accepted liquid
2 wastes?

3 A. What came in on his trucks, I was only
4 there once when one truck was dumping.

5 Q. And what truck was that, do you recall --

6 A. Engelhard Industries from Plainville.

7 Q. Were they dumping liquids?

8 A. Yes.

9 Q. Do you remember approximately when that
10 was?

11 A. I don't know.

12 Q. If you go back to the first column of that
13 article again, and right at the bottom it says, "A
14 crew of the Massachusetts Electric Co. cleaned
15 insulators of deposits coming from the dump." Do
16 you know what those insulators are that they're
17 referring to?

18 A. They hold the wires up.

19 Q. Do you know what they were made of? I
20 mean, did they have to replace them afterwards?

21 A. I really don't know. It was so smoky I
22 couldn't see them working.

23 Q. After this incident did you continue to
24 take aluminum paper from -- from Sisalkraft?

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1 A. Yes.

2 MR. STRATTON: Objection to form.

3 Q. Let's go to the next page. Are you doing

4 okay? Do you need a short break? We've been
5 going a little over an hour.

6 A. All right for a few minutes.

7 Q. Okay.

8 This article, "Politicos Agree: Dump
9 Improvement Needed," and at the top, the date on
10 that is October 25th, 1963. Do you recall having
11 seen this article before?

12 A. I didn't see the article, but I see
13 this -- I know the picture, but I didn't read the
14 article, no.

15 Q. Do you recall during this time frame
16 whether there were any discussions with city
17 employees or the mayor regarding industrial waste
18 coming into the burning dump?

19 A. No.

20 Q. If you go down on the first column, it's
21 about four paragraphs up, it says "The city's
22 chief executive noted that two of the biggest
23 industries in the city are placing industrial
24 wastes at the site." Do you know what industries

1 are being referred to there?

2 A. I don't know. There you had a number
3 of -- we used to have a lot of business in town.
4 So that there was a lot of factories. There was a
5 lot of waste.

6 Q. And you don't recall whether there were
7 any particular company's wastes that were causing
8 problems at the burning dump?

9 A. No one in particular. They were all
10 producing a lot of waste.

11 Q. The article also says that 40 percent more
12 material is being accumulated at the dump than
13 five years ago. Do you know why the volume
14 increased so much?

15 A. Well, you kept adding, you know, look at
16 TI, how big they got -- I'm sorry, Metals &
17 Controls, how big they got. Look at how big
18 St. Regis got. Now St. Regis probably it doesn't
19 have 15 employees now. Where they probably had
20 250. Every business had a lot of employees, a lot
21 of waste. There's not much waste in Attleboro
22 anymore.

23 Q. In that middle article there, the one

24 entitled, "Rainfall May Help Condition At City."

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1 A. Well, the dump used to --

2 MS. O'BRIEN: Wait until she asks you
3 a question.

4 A. The property --

5 MS. O'BRIEN: She hasn't asked you a
6 question yet. She just referred you to that
7 article.

8 Q. What do you --

9 A. The fire department was always down there
10 at the dump.

11 Q. Because the -- there were fires out of
12 control?

13 A. If you get droughts, they would catch the
14 woods on fire across the street or out in the
15 swamp or -- so they were constantly down there for
16 years.

17 Q. The third paragraph down in that article
18 says that, "Albert E. Dumont, the caretaker, has

19 been successful in isolating compounds, which
20 caused the unpleasant smoke and aroma at the site,
21 from other refuse." Do you see where that is?
22 A. Yeah.
23 Q. Do you recall what compounds you managed
24 to isolate?

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1 A. Well, you had different sludge. You had,
2 I don't know, different materials would come in.
3 I'd send the people around back. They used to
4 bulldoze in the front right there, make it clean
5 for the people and then other material was dumped
6 out in the back.
7 Q. What other material was dumped out back?
8 A. Well, you had plastics. You had rubber.
9 You had hundreds of tires. Sometimes you get 200
10 tires in at a time. You'd send it in an area
11 where you thought you could set it on fire
12 whenever the wind was not going southwest,
13 directly southwest to east.
14 Q. Do you recall what companies were bringing

15 in the plastics and the rubber that you would put
16 out back?

17 A. Well, it was built up of time, you know.
18 When they told me to kind of cut the fumes down,
19 you'd send stuff out there so that it wouldn't
20 burn for the time being, but all of a sudden
21 they'd go up in flames.

22 Q. And whose wastes were those?

23 A. Every garage. Every, you know, anybody
24 that there was a problem.

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1 Q. Anybody that?

2 A. You had barrels of oil from different
3 garages.

4 Q. Do you remember any specific garages that
5 brought barrels of oil?

6 A. Every garage.

7 Q. All of them?

8 A. Every garage brought in.

9 Q. And you mentioned a minute ago or so that

10 sometimes you'd get in a couple hundred tires at a
11 time. Do you recall any companies in particular
12 that would bring you large quantities of tires
13 like that?

14 A. It was mostly garages that built up behind
15 them.

16 Q. That next article that's entitled, "Dump
17 Fire Set By Trespasser," the first paragraph it
18 says Attleboro firemen finally got a fire under
19 control that involved discarded chemical matter
20 from a local industry. Do you recall what those
21 chemicals were?

22 MS. O'BRIEN: Objection. She's asking
23 about this reference right here.

24 A. Well, this is where I was sending the

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1 trucks around the back.

2 MS. O'BRIEN: I think she asked
3 whether you know what that reference is to, the
4 chemical matter. If you know where that was
5 coming from or what it was.

6 A. No.

7 Q. No?

8 A. No.

9 Q. You don't know which local industry?

10 A. Well, you could have -- you know, you had
11 your -- Montrose didn't make any -- didn't make
12 very much smoke because it was all like a mud, you
13 know. And Attleboro Refinery, that was a sludge.
14 That didn't make much smoke. So that most of it
15 was, you know, from a build-up of different
16 chemicals, you know.

17 Q. Do you recall companies whose wastes did
18 make a lot of smoke?

19 A. Every -- every company made a lot of
20 smoke, you know. I mean, it was a way of life.
21 You went from nothing but paper to all plastics
22 and so it was a way of life.

23 Q. Were any companies' wastes dirtier or
24 messier than others?

1 MR. AGNELLO: Objection to the form.

2 A. Well, St. Regis Paper would burn a lot
3 longer than anybody else's because you had compact
4 rolls, you had hundreds of yards of rubbish per
5 day, right.

6 Q. Anybody else's --

7 A. So most of the time -- the whole place was
8 burning all the time. You'd bulldoze it back and
9 make room for people to dump their rubbish for the
10 next day. You'd salvage all the metals, then you
11 bulldoze it back and make another spot.

12 Q. Anybody else's wastes that you recall
13 burning for a long time?

14 A. Not really.

15 Q. Anybody -- anybody else's wastes that you
16 recall had a significant amount of plastic?
17 Anyone in particular?

18 A. Not really.

19 MS. O'BRIEN: Maybe we should take a
20 five-minute break at this time and pick up for the
21 remainder of these.

22 (A recess was taken.)

23 Q. Let's go back to these newspaper articles
24 briefly.



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1 Do you recall this dump fire that was
2 set by a trespasser? It's, I believe, two pages
3 forward from where you are now. Do you recall who
4 set that fire?

5 A. Probably the old man next door.

6 Q. Mr. Shpack?

7 A. Well, I don't know. We never got along.

8 Q. And do you know what -- approximately what
9 time frame that fire was set?

10 A. I don't.

11 Q. It says in the second column there that,
12 "burning practice at the dump has been curbed, and
13 sanitary fill procedure substituted." Do you
14 recall when that was?

15 A. 1966.

16 Q. 1966?

17 A. Uh-huh.

18 Q. Was that early 1966, do you recall?

19 A. We only started running the landfill in
20 1966.

21 Q. Was there a period of time when -- when --

22 A. The city come in and reburied the whole
23 dump with dirt.

24 Q. They reburied the whole dump with dirt?

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1 A. Yes.

2 Q. In 1965, '66?

3 A. '65, '66.

4 Q. And during that time there was no burning
5 taking place?

6 A. No burning.

7 Q. And no landfilling taking place either?

8 A. No.

9 Q. Do you recall when in 1966 the landfill
10 operation started, a month or anything?

11 A. I don't remember the dates, no.

12 Q. Can you locate for me on this map here
13 where the landfill started in 1966? Was it the
14 same area that?

15 A. It's all the waste landfill. Over here.

16 Q. Okay. So beyond this pink line here?

17 A. Right.

18 Q. In 1966 that's -- there was no more waste
19 being accepted --

20 MS. O'BRIEN: Objection, as to the
21 form.

22 Q. -- in this pink triangle area?

23 A. No.

24 Q. After 1966 no more. After 1965?

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1 A. '65.

2 MR. AGNELLO: What was the answer?

3 A. '65.

4 MR. AGNELLO: So the answer is after
5 1965 no more waste in the red triangle, is that
6 correct?

7 MS. CHANG: Yes.

8 Q. The next page back from where you are is
9 an article entitled, "Dump Blaze Seen Miles." One
10 further back. This way. And the date on that is
11 April 19, 1965. Is this your handwriting up

12 there, can you tell?

13 A. Yeah.

14 Q. Do you remember this fire?

15 MR. AGNELLO: I didn't hear the answer
16 to the question is it his handwriting.

17 MS. O'BRIEN: He said yes.

18 A. Yeah, that had to be the end of the
19 burning dump.

20 Q. Why do you say that?

21 A. 1965, that was the end of the burning
22 dump.

23 Q. Do you recall this particular fire that
24 was at the dump, though?

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1 A. Yeah.

2 Q. Do you recall -- it says in the second
3 paragraph that the blaze was fed by a thousand
4 barrels of waste chemicals. Do you recall whether
5 there were barrels of waste chemicals fueling the
6 fire?

7 A. There was barrels buried on the -- there
8 was barrels buried on the Shpack dump, yeah.

9 Q. I'm sorry, is it your --

10 MR. LAST: Deanna, I missed that. He
11 said the barrels buried.

12 MS. O'BRIEN: On the Shpack dump.

13 Q. Is it your understanding that the dump was
14 or this dump blaze was at the Shpack dump and not
15 your dump?

16 A. Yes.

17 Q. This was on Shpack's property?

18 A. Right.

19 Q. Okay.

20 Do you know whose barrels of waste
21 were at the Shpack dump?

22 MS. O'BRIEN: Objection. That caused
23 the fire, you mean?

24 Q. Yeah.

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1 MS. O'BRIEN: Well, I mean, that was a
2 very general question, do you know what barrels

3 were on --

4 MS. CHANG: I'm agreeing with you. It
5 was a very bad question.

6 Q. Do you know whose chemicals on the Shpack
7 dump may have fed this fire?

8 A. Yes.

9 Q. Whose were those?

10 A. Thompson Chemical.

11 Q. Thompson Chemical's?

12 A. Yeah.

13 Q. Do you know anybody -- anybody else's
14 barrels of waste chemicals that may have fueled
15 this fire?

16 A. Well, could've been -- my dump was right
17 alongside.

18 Q. Did you have barrels of waste chemicals on
19 your side of the dump?

20 A. Well, stuff that I sent out back, yeah.
21 Could've been.

22 Q. Whose wastes -- whose wastes could it have
23 been?

24 MR. MASTROCOLA: Objection.



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1 A. Well, I sent a number of trucks around the
2 back to dump, you know. Don't know if -- it
3 could've been shellac. Could've been anything.

4 Q. Who was dumping shellac?

5 A. Montrose.

6 Q. What other companies were you sending out
7 back?

8 A. Attleboro Refinery. I'd send garages.
9 Send garages. Send tires.

10 MS. CHANG: I think I can wrap up for
11 now and I'll go over my notes tonight and see if
12 there's anything.

13 MS. O'BRIEN: I guess I would -- I
14 would object to you having more. If you've
15 completed your questioning and then we turn to
16 other people, then I don't think you ought to get
17 a second bite at the apple. If you have
18 additional questions -- I would prefer that you
19 ask them now.

20 MS. CHANG: Well, I'd like an
21 opportunity to go through my notes and see.

22 That's not an unusual request. And if we come
23 back, I don't see what the problem is. If I
24 can -- I mean, we can have everybody wait for me

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1 to go through my notes, but that doesn't seem to
2 make a whole lot of sense if we're wrapping up for
3 the day.

4 MS. O'BRIEN: Okay. So you're
5 actually not -- you're saying you're not finishing
6 your questioning at this point. You're stopping
7 for the day and then maybe resume tomorrow
8 morning?

9 MS. CHANG: Yes.

10 MS. O'BRIEN: Okay.

11 MS. CHANG: Is that okay? I don't
12 think I have any more questions, but I don't want
13 to be foreclosed from asking some when I get a
14 chance to go over my outline and my documents. I
15 think -- all right. Fine. We'll go through some
16 more. Can we mark this Exhibit 4, please.

17 (Exhibit 4, was marked for

18 identification)

19 Q. I'm passing you what's been marked
20 Exhibit 4, which is another article from a
21 newspaper and it's entitled, "Two Overcome At City
22 Dump," and up in the top margin there is a date
23 June 5th, 1964. Do you recall this incident?

24 A. No.

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1 Q. No?

2 Do you recall two employees of
3 Attleboro Refining Company having to go to the
4 hospital after inhaling smoke at the burning dump?

5 A. No.

6 Q. Do you remember anybody having to go to
7 the hospital after inhaling smoke at the burning
8 dump?

9 A. I went to the doctor, but I -- I didn't go
10 to the hospital.

11 Q. And is that the carbon monoxide incident
12 that you told us about earlier?

13 A. Yeah.

14 Q. Are you aware of anybody else having any
15 adverse effects after having been at the dump?

16 A. Just my father, and he died in the dump.
17 49 years old.

18 MR. KREIGER: Are you done with this
19 exhibit? I have a comment on it. I have better
20 copies here because I think part of the left
21 margin on everybody's copy is too dark to read. I
22 do have better copies here, although they are
23 documents that I produced with "ATT" Bates number
24 rather than the stamp that you have at the top of

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1 this, but if you want to substitute these, we can
2 do that.

3 MR. LEIFER: That's a good idea.

4 MS. CHANG: Okay. We can do that.

5 Q. Was -- were you the only caretaker at the
6 dump from '56 to '65?

7 A. '56 to '65. Yes.

8 Q. Do you recall an ambulance being called to

9 the dump?

10 A. No.

11 Q. Never?

12 A. Well, I wasn't always there. I went to
13 Brockton to sell my shoes and rags and everything.
14 I would probably be gone for five hours.

15 Q. Do you recall Attleboro Refining Company
16 depositing oil-filled barrels at the burning dump?

17 A. No.

18 Q. There's a reference in this Exhibit 4,
19 saying that the two men were depositing oil-filled
20 barrels when some of the oil caught fire from hot
21 ashes.

22 A. I wasn't there.

23 Q. It mentions a dump attendant. Was there
24 anybody other than you who would've been an

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1 attendant at the dump?

2 MS. O'BRIEN: Objection. I think that
3 was asked and answered.

4 A. No.

5 MR. KREIGER: He was asked as to a
6 caretaker.

7 MS. O'BRIEN: He also indicated that
8 he was not there all the time and he had no
9 recollection of that incident referenced in the
10 article that she's continuing to ask questions
11 about. You can ask -- try again.

12 A. No, there was no other caretaker.

13 MR. LAST: There's no, I'm sorry?

14 MS. O'BRIEN: No other caretaker.

15 Q. Do you know if Mr. Shpack's property, the
16 Shpack side of the dump was ever referred to as
17 the city dump?

18 A. No.

19 Q. No, it was not?

20 A. No.

21 Q. The city dump was always your side of the
22 property?

23 A. Well, if you look back, it will say that
24 the property was never surveyed. I think on the

1 final -- somewhere I read it.

2 Q. Okay.

3 A. I wouldn't spend the money and the city
4 wouldn't either.

5 MS. CHANG: Can we mark this as
6 Exhibit 5, please.

7 (Exhibit 5, was marked for
8 identification)

9 Q. This is Exhibit 5. It is a letter dated
10 September 20th, 1963 and addressed to you. Do you
11 recall having seen this letter before?

12 A. I don't remember, no.

13 Q. Do you recall any -- well, do you recall
14 John Harvey, the health agent?

15 A. I think so. I'm not positive.

16 Q. In the 1963 time period, who would you
17 discuss the dump with at the city?

18 A. Mayor Brennan.

19 Q. Mayor Brennan directly?

20 A. I think right after him was Mayor Pickett,
21 but I believe it was -- no, maybe it was Pickett,
22 but Mayor Brennan, it was somewhere in that
23 neighborhood. He's the one that controlled the

24 dump.

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1 Q. So all communications from the city came
2 directly from the mayor's office?

3 A. No.

4 MR. KREIGER: Objection.

5 A. From the mayor when he was down at the
6 dump.

7 Q. From the mayor when he was at the dump.

8 A. I don't believe I ever went to the city
9 hall.

10 Q. And do you recall receiving correspondence
11 from the health department or --

12 A. If I did, I probably never looked at them.

13 Q. Okay. If you look at this letter, this
14 Exhibit 5, the third paragraph says -- is a
15 request that you, as the caretaker, prevent the
16 burning of plastic products or compounds, sulfur
17 containing products and products producing
18 obnoxious odors or excessive smoke. Do you recall

19 whether the City of Attleboro requested that you
20 refrain from burning those products?

21 MS. O'BRIEN: Objection. That's what
22 the letter says. It speaks for itself.

23 Q. Do you recall that request?

24 A. No.

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1 Q. Do you recall any company in particular
2 whose wastes contained sulfur?

3 A. No. What the smoke was I don't know.

4 Q. Do you recall any paper with tar products
5 being burnt at the -- at your burning dump?

6 A. Well, you had roofing shingles came in
7 every day. You had --

8 Q. Where did roofing shingles come in from?

9 A. From the contractors.

10 Q. Which -- any contractors in particular?

11 A. I only recognize the names of the new
12 guys. Everybody else is all dead, contractors
13 back in those days.

14 Q. Anybody else you can think of who would

15 bring materials with tar products in?

16 A. No.

17 MS. CHANG: Do you recall whether -- I
18 don't think I have anything more, but I still
19 would like the opportunity to look through my
20 notes. So we can take a break for five or ten
21 minutes and we can come back or we can break for
22 the day and I'll ask any -- if I have any more
23 questions in the morning.

24 MS. O'BRIEN: That's fine.

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1 MS. CHANG: We can go off.

2 (A discussion was held off the record.)

3 EXAMINATION BY MR. MASTROCOLA:

4 Q. Good afternoon, Mr. Dumont. My name is
5 Paul Mastrocola from the law firm of Burns and
6 Levinson. Represent Engelhard Corporation.

7 Mr. Dumont, looking at Exhibit 1,
8 which is the map. Do we have them marked? Oh,
9 you have it in front of you. I'm putting before

10 you what's been marked Exhibit 1 for this
11 deposition. Can you state again, and I think you
12 did this, but most of us couldn't see, so I'm
13 asking you to repeat, what area on this map would
14 be defined as the burning dump versus the Shpack
15 dump? Can you describe how they're distinguished
16 on this map?

17 A. This is the Shpack dump. And this is the
18 Attleboro city dump.

19 Q. So is it fair to say that the Shpack dump
20 is everything within the red fence line on the
21 Norton town side of this map?

22 A. I'd say yeah.

23 Q. And what we're calling for this deposition
24 the burning dump, which was the one you were the

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1 caretaker of, was everything within the red,
2 roughly a triangle on the Attleboro side of this
3 map?

4 A. Right.

5 Q. Okay.

6 Were there any buildings on the
7 burning dump --

8 A. No.

9 Q. -- during the time frame we are talking
10 about?

11 A. No.

12 Q. When you referred to salvaging work that
13 you did, specifically what did that involve?

14 A. Salvage light iron, steel. All types of
15 metals. Shoes, rags, bottles. Mattresses. Air
16 mattresses, feather mattresses, duck feathers,
17 chicken feathers.

18 Q. So you would collect that type of material
19 and do what with it?

20 A. I would put it in my barn and on a rainy
21 day I would go in there and separate everything.

22 Q. Your barn was located where? Was that
23 your residence separate from the burning dump
24 property?

1 A. This property was separate from the
2 burning dump.

3 Q. That was property separate from the
4 burning dump property where the barn was located?

5 A. Right.

6 Q. When you did your salvaging work, what
7 time of day would you be doing that typically?

8 A. Depends when I got back from the scrap
9 yard. I could come back at 8:00, 8:30, 9:30.
10 Depends how many trucks I had to unload. If I
11 went to Brockton, I wouldn't get back until maybe
12 noontime.

13 Q. And I guess was there a typical time --
14 how late you stayed in the day at the burning
15 dump?

16 A. I left at 4:30 because I had to go home
17 and clean up and go to work at night.

18 Q. And just to -- just by way -- a little bit
19 of repetition, but did you say generally you were
20 at the burning dump Monday through Saturday?

21 A. Saturday.

22 Q. And sometimes you took a Saturday off as
23 well?

24 A. Once in a while.



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1 Q. You testified, I believe, that D.E.
2 Makepeace disposed of materials on your dump, the
3 burning dump, at different times. What was the
4 time frame of the years that you believe that
5 occurred?

6 A. Well, they dumped from '46 until -- but I
7 wasn't there. I was only there two months in '46.
8 Then I didn't come back to work until '56 after I
9 come out of the service. So there was different
10 caretakers taking care of the dump.

11 Q. So in the two months that you were there
12 in 1946, did you observe what you thought to be
13 D.E. Makepeace disposing of materials on the
14 burning dump?

15 A. No, I didn't. There could've been, but I
16 didn't pay no attention to anybody. The only one
17 I remember was JP Stevens, which was Wolfenden,
18 which became Montrose because I never knew what
19 fly ash was until they dumped a load.

20 Q. So when you returned to the burning dump

21 in 1956 to continue your work, did you observe
22 what you thought to be someone from D.E. Makepeace
23 disposing of materials at the burning dump?

24 A. Well, see by that time, probably about '51

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1 or so, that was a customer that went into the
2 Shpack dump.

3 Q. Starting about, I'm sorry, '51, you said?

4 A. Somewhere around '49, '50, '51 when he
5 started up. When he took all the customers and
6 opened up his own dump.

7 Q. And how did you know that Makepeace went
8 over to the Shpack dump?

9 A. I didn't pay attention. I can't say that
10 I saw them during that period of time, but I can
11 say that I was there one day when they were
12 emptying their barrels from the Plainville plant,
13 but --

14 Q. When you say "there," which property are
15 you referring to?

16 A. It was way in the back over here.

17 Q. So over here, you're referring to the
18 Shpack dump?

19 A. Right.

20 Q. And where you're pointing on Exhibit 1, is
21 it fair to say it's generally the Shpack dump
22 which is the Norton side of the map in the
23 southeast area of that parcel?

24 A. Yeah. And that was only had to be '64,

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1 '65 because I didn't very often go into this
2 property.

3 Q. So was that a single incident in roughly
4 1964 or '65 that you saw someone from --

5 A. That I can say I observed them. They
6 could've been coming in at any other time, but I
7 did not pay attention.

8 Q. Other than that one occasion, is it fair
9 to say that you did not see anyone from D.E.
10 Makepeace come in and dispose of materials on the
11 Shpack site?

12 A. Engelhard Industry. Yeah. That was just
13 that once.

14 Q. D.E. Makepeace or Engelhard?

15 A. Right.

16 Q. I'm not sure where we ended up with that
17 question so I'm going to say it again.

18 Is it true that other than the one
19 incident that I'm going to ask you more details
20 about, in 19, was it --

21 A. '64.

22 Q. Or '65, other than that one incident you
23 did not see anyone from D.E. Makepeace or
24 Engelhard dispose of materials on the Shpack site?

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1 A. Right.

2 Q. And same question now with regard to the
3 burning dump site. At any time did you see anyone
4 from D.E. Makepeace or Engelhard dispose of
5 materials on the burning dump site?

6 A. I can't say that I did.

7 Q. Now, I want to ask you specifically, if I
8 may, about the incident in 1964 or '65 on the
9 Shpack site.

10 Do you recall what month it was that
11 that might have occurred?

12 A. No, I can't.

13 Q. Do you know the time of year, the season?
14 Was it warm, cold?

15 A. I'd say it was warm.

16 Q. How did you come to be on the Shpack dump
17 site on that occasion?

18 A. I happened to go over and talk to him.

19 Q. You happened to go over and talk to who?

20 A. Mr. Shpack.

21 Q. And why did you go over and talk to
22 Mr. Shpack that day?

23 A. I really don't know, but I didn't very
24 often go over there because he was not a man that

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1 you could talk to.

2 Q. Did Mr. Shpack invite you over or did you

3 go on your own initiative?

4 A. I walked over on my own.

5 Q. Do you recall what your purpose was for
6 going over to speak with him that day?

7 A. I don't remember if it was -- I believe it
8 was because the night before he pointed a gun at
9 me and my wife. I believe that's why I walked
10 over there. Because I remember he apologized to
11 me.

12 Q. Other than Mr. Shpack, who were you with,
13 if anyone?

14 A. I was alone.

15 Q. And did you have a conversation with
16 Mr. Shpack?

17 A. Yes.

18 Q. Do you recall what you said to him and
19 what he said to you?

20 A. Well, I asked him why he pointed the gun
21 at me the night before.

22 Q. All right. Let me stop you.

23 Did you have any conversation about
24 the things that were being disposed on the Shpack



1 property?

2 A. No.

3 Q. So your conversation was just about that
4 issue that came up the night before?

5 A. Personal. I never talked about anything
6 else with this gentleman.

7 Q. And what happened while you were having
8 that conversation?

9 A. He apologized to me.

10 Q. And what, if anything, did you see
11 relating to D.E. Makepeace or Engelhard?

12 A. I saw the truck dumping and two men were
13 emptying out the barrels.

14 Q. Was the truck already there when you --

15 A. Yes.

16 Q. -- came over to speak to Mr. Shpack?

17 A. Yes.

18 Q. So you didn't see it actually drive onto
19 the property, it was already in place.

20 A. It was in place.

21 Q. What kind of a truck was it?

22 A. It was a stake body, with sides on it. It
23 was a fairly long truck.
24 Q. I'm sorry, I don't know -- when you say a

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1 stake body?
2 A. Stake body. It was a flat bed, it had
3 sides on it.
4 Q. Open truck?
5 A. Yeah. I don't remember the brand name or
6 anything.
7 Q. And what gave you the impression that
8 it -- that that truck was a D.E. Makepeace or --
9 A. It was on the side, Engelhard Industry.
10 Q. What part of the truck was that -- was
11 Engelhard Industry printed on?
12 A. I'm pretty sure it was the door.
13 Q. And what gave you the impression it
14 related to a Plainville Massachusetts facility?
15 A. It was listed as Plainville.
16 Q. And how many people were with the truck?
17 A. Two men.

18 Q. Did you speak with either of them?

19 A. No.

20 Q. I'm sorry, was that no?

21 A. No.

22 Q. Had you ever seen either of those men

23 before?

24 A. I never paid attention.

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1 Q. Had you ever seen either of those men on
2 the burning dump site before?

3 A. No.

4 Q. Have you seen either of those men since
5 that day?

6 A. No.

7 Q. And what, if anything, did you notice
8 about the materials that they were disposing?

9 A. Didn't notice.

10 Q. Did you see -- what was on the flat bed
11 when you saw it?

12 A. Just barrels.

13 Q. Barrels -- did the barrels say anything on
14 them?

15 A. No.

16 Q. What size barrels?

17 A. 55-gallon drums.

18 Q. What color were the barrels?

19 A. That I don't remember.

20 Q. Do you know how many barrels were on the
21 truck?

22 A. No. There was a number of barrels, but I
23 can't say that they were opened or closed.

24 Q. What, if anything, did you see the men

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1 doing with the barrels?

2 A. They were just emptying a couple of
3 barrels out.

4 Q. What was coming out?

5 A. Liquid was coming out.

6 Q. I'm sorry?

7 A. Liquid was coming out.

8 Q. And what was the distance between you and

9 the truck?

10 A. Up to the side, maybe ten feet or so.

11 Q. And the -- did you ask anyone what the

12 liquid was?

13 A. No.

14 Q. Did it have a color to it, could you see?

15 A. No, I didn't see no color.

16 Q. Did you notice any odor from --

17 A. No.

18 Q. Have you told me everything that you can

19 remember about that --

20 A. Yeah.

21 Q. -- incident?

22 What happened after your conversation

23 with Mr. Shpack?

24 A. Went back to my dump.

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1 Q. And I'm sorry if I asked this. Was there

2 any conversation between you and Mr. Shpack about

3 what the men were doing with that truck?

4 A. No.

5 Q. Were there any other trucks present other
6 than that one at the time you were having that
7 conversation?

8 A. No.

9 Q. Did you see the truck leave the property?

10 A. I didn't. No.

11 Q. So the truck was still there when you
12 left?

13 A. Right.

14 Q. Have you ever spoken, ever spoken with
15 anyone directly who worked for D.E. Makepeace or
16 Engelhard Corporation?

17 A. No.

18 Q. Mr. Dumont, if I can show you what's been
19 marked Exhibit No. 2, your response to the
20 information request from the EPA. I'm showing you
21 what's been marked Exhibit No. 2 for this
22 deposition, "Response of Albert Dumont to Request
23 For Information Pursuant to CERCLA on the Shpack
24 Site." Directing your attention, if I may, to

1 page five of the response, to request 5 (n). This
2 is the list of various companies. On the bottom
3 of that page there's a reference to D.E.
4 Makepeace. Do you see that?

5 A. Yes.

6 Q. And in parentheses your submission says,
7 "dumped cyanide decreasing solvent even after 1966
8 and '67. They only dumped on Shpack site."
9 What's the basis for your statement that Makepeace
10 dumped that substance after 1966 and '67 on the
11 Shpack site?

12 A. I didn't know whether they dumped
13 cyanide -- decreasing solvent came from. They
14 dumped, but I don't really remember any odors
15 or -- I have no idea.

16 Q. So you never saw anyone from D.E.
17 Makepeace or Engelhard dump cyanide decreasing
18 solvent at the Shpack site, is that correct?

19 A. I saw them dump liquids, but I didn't see
20 them dump cyanide or decreasing solvent. I
21 would've smelled the decreasing solvent.

22 Q. And you didn't smell anything that day
23 that you saw --

24 A. No.

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1 Q. -- some liquid being disposed of?

2 And so what was the reason that you
3 included this statement in your submission that
4 Makepeace dumped cyanide decreasing solvent?

5 A. I don't know where that came from.

6 Q. And it's true -- you left work at the
7 burning dump site in what year? What year was it
8 when you stopped operating it?

9 A. Closed in '65.

10 Q. '65. So after 1965 you were no longer
11 working at the burning dump.

12 A. No.

13 Q. Or for that matter you didn't work at the
14 Shpack site.

15 A. No.

16 Q. Do you know of any other companies that
17 dumped cyanide decreasing solvent on the burning
18 dump?

19 A. I have no idea what was in the barrels.

20 MR. MASTROCOLA: Just give me one
21 minute, please.

22 (Pause.)

23 MR. MASTROCOLA: I have no further
24 questions at this time. Thank you, Mr. Dumont.

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1 (Deposition adjourned at 3:50 p.m.)

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1 CERTIFICATE OF COURT REPORTER

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3 I, Ellen Zappia, Registered

4 Professional Reporter, do certify that the
5 testimony of the witness appearing herein was
6 taken by me in machine shorthand and thereafter
7 reduced to writing by means of computer-aided
8 transcription; that said deposition is a true
9 record of the testimony given by said witness;

10 that I am neither counsel for, related to, nor
11 employed by any of the parties to the action in
12 which this deposition was taken, and further that
13 I am not a relative or employee of any attorney or
14 counsel employed by the parties thereto, nor
15 financially or otherwise interested in the outcome
16 of the action.

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21

Ellen Zappia, RPR

22

Notary Public in and for the

23

Commonwealth of Massachusetts

24

My commission expires: February 6, 2009

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